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**JOURNAL**

OF THE

**PROCEEDINGS**

OF THE

**LEGISLATIVE COUNCIL,**

OF THE

**TERRITORY OF FLORIDA,**

AT ITS THIRTEENTH SESSION.

—  
Begun and held at the Capitol, at the City of Tallahassee,

On Monday the 5th day of January, A. D. 1835.



TALLAHASSEE:

PRINTED AT THE OFFICE OF "THE FLORIDIAN,"

.....  
1835.

# JOURNAL, &C.



The following gentlemen Members elect appeared,  
to wit:

	<i>From the County of</i>
Escambia,	THOMAS M. BLOUNT.
Walton,	JOHN L. MCKINNON.
Washington,	SAMUEL MITCHELL.
Franklin,	EBEN J. WOOD.
Jackson,	{ WILLIAM S. MOORING, and
	{ HENRY J. HOLMES.
Gadsden,	JOHN C. LOVE,
	{ SAMUEL H. DUVAL,
	{ ARTHUR MACON,
Leon,	{ HECTOR W. BRADEN, and
	{ JOHN D. EDWARDS.
	{ ABRAM BELLAMY, and
Jefferson,	{ JAMES L. PARISH.
Madison,	ARCHIBALD MCNEILL.
Hamilton,	WILLIAM M. HUNTER.
Columbia,	ROBERT BROWN.
Alachua,	GABRIEL PRIEST.
Duval,	JOHN WARREN.
Nassau,	JOSEPH HIGGINBOTHAM,
	{ JOSEPH L. SMITH, and
St. John's,	{ BENJAMIN A. PUTNAM.
Mosquito,	CHARLES DOWNING;
Monroe,	RICHARD FITZPATRICK:

Who having been qualified according to law, by the Honorable Thomas Randall, Judge of the Supreme Court, for the Middle District of Florida,—took their seats.

On motion of Mr. Fitzpatrick, Mr. Bellamy was called to the Chair, when the House proceeded to its organization.

Mr. Duval moved, that the votes given in the election for officers of the Legislative Council, be taken *viva voce*; which being put to the House, was lost.

Mr. Warren was elected President of the Legislative Council, and being thereupon conducted to the Chair, made an appropriate address.

Joseph B. Lancaster was elected Chief-Clerk.

James Bryan, jun'r. was elected Sergeant-at-Arms, and Moses Ellis was elected Door-Keeper.

Mr. Blount moved that a select committee of three be appointed to wait upon his Excellency the Governor of the Territory of Florida, and inform him that the House is now organized, and ready to receive any communication he may have to make,—and that they be required to report on to-morrow; which prevailed—Messrs. Blount, Smith and Duval are appointed on that committee.

On motion of Mr. Fitzpatrick, the House then adjourned until to-morrow morning at 10 o'clock.

## Tuesday, January 6.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Blount, George Walker, Esq. a member elect from the county of Escambia, was qualified according to law, and admitted to take his seat.

Mr. Bellamy moved that a select committee of three members be appointed to draft Rules for the government of the present Session of the Legislative Council,—and until they shall report, that the rules in force at the last, be adopted at the present Session; which was carried—Messrs. Bellamy, Smith and Blount were appointed on that committee.

On motion of Mr. Blount, Joseph B. Lancaster, Chief-Clerk, and James Bryan, jun'r. Sergeant-at-Arms, took their respective oaths of office, as required by law.

Mr. Love offered the Preamble and Resolutions following, to wit:

WHEREAS, It hath pleased the *Almighty Disposer* of events, to terminate the mortal career of the Hon. DAVID OCHILTREE, Esq. a member elect from Gadsden county: *And Whereas*, It is both proper and becoming, that while we bow to the decrees of Providence, to express publicly our respect for departed worth:

Be it therefore Resolved, that the Members of this Legislative Council, do wear crage on the left arm for thirty days, in token of respect for the memory of said deceased.

Resolved further, That a copy of the above Preamble and Resolution be published in "The Floridian."

Which were read and adopted.

Mr. Blount, from the select committee, appointed to wait upon his Excellency the Governor—*Reported*, That, that duty had been performed, and that his Excellency would this day, at 12 o'clock, transmit his annual Message.

Mr. Bellamy moved, that the House do now proceed to elect three Engrossing and Enrolling Clerks which was put and adopted—Messrs Robert Copeland, Joseph S. Sanchez, and John G. Gunn, were severally declared duly elected Engrossing and Enrolling Clerks of the Legislative Council for the present session.

The House then took a recess until 12 o'clock.

The House again convened at 12 o'clock.

His Excellency, the Governor, transmitted by Mr. Wellford, his Private Secretary, to the House, the following communication, to wit:—

## EXECUTIVE OFFICE.

JANUARY, 1835.

To the Legislative Council of Florida:—

In meeting with you for the first time, it affords me much pleasure, to be enabled to congratulate you on the healthfulness of the Country; and on the general prosperity which is attendant on the agricultural pursuits and industry of the people; and to offer you, as I frankly do, the assurance, that every co-operation in my power, will be cheerfully extended to aid you, still further to advance the prosperity of the Territory. While in all communities, enactments and penalties are necessary to be resorted to, permit me to say that too much, and too frequent legislating, are never advisable. Perspicuity, certainty and uniformity, in the laws, more than any thing else are desirable; because thereby the citizens are enabled to understand; and practice those things, which are required of them; but which cannot be known, where frequent changes in legislation are tolerated, except to persons engaged in professional pursuits.

The Executive Department of a Territory, acting within its proper sphere, can have nothing to do with the affairs of the general government. These are without the scope of its influence and action; and hence, whether as regards approval or censure, should be alike exempt from interference. It will not be questioned, but that every citizen possesses an undeniable right to entertain and to express opinions, as to the administration and course of the government; but official agents here, acting as such, should consider themselves restricted to the affairs and business of the Territory. Governed by this salutary rule, my course will be, to bring to your consideration, from time to time, such matters, only, as may be conceived necessary to advance the quiet, well being and prosperity of the citizens of Florida. Objects of this character will demand attention on your part; from me, they shall at all times, receive a prompt and ready support. In the



management of such affairs, harmony is altogether essential; and to attain this, each department should be content to move in its own orbit—neither claiming, or asserting a right to exercise authority, which rightfully belongs to the other. The beauty and good order of all governments, depend upon a strict regard, and rigid adherence to those well poised ballances, which organic rules impose.

There are matters of importance to this section of our country, which should not fail to interest those who are charged with the management of the affairs of the Territory. Altho' some of them are of a character upon which no definite and conclusive action can be had by you; yet the reasons which may be drawn in aid of applications to be addressed to Congress, can not fail to carry with them, such convincing force, as to have their proper effect.

An accurate survey of the coast of Florida, is of interest, not merely to the people of this Territory; but to the whole union. A statistical view of the country will show that more than a third, and nearly one half, of the whole export trade of the United States passes through the Gulf of Mexico, and the tributary streams which belong to it. Interest being the influencing consideration, by which mankind are governed, it cannot be presumed, that those who are authorized to dispense favors, if favors they are called, can hesitate to foster this most important commercial channel. Notwithstanding the many facilities and advantages it affords, it is yet without that protecting care, from the government, which its importance demands. Its soundings are the principal *criteria* by which navigators are enabled to determine their true position off the land; and these are insecurely to be relied on. The employed charts, are compilations from French and British research, and these being examinations of years gone by, must necessarily be imperfect, from the effect of tempests, and from the many alterations introduced by the currents, which have changed the bars, and varied the depth of the water. The frequent accidents which happen, from inaccurate reckonings, and the consequent driving on shore, serve to prove how necessary it is for some precautionary measures to be resorted to, by which a recurrence of them for the future, may be prevented. There are important and neglected points, too, where light houses are needful and necessary, to protect commerce, and give security to our coast navigators. The cost, contrasted with the advantages to be derived from them is not worthy to be considered.

Internal improvements within a Territory, it is believed, have not been questioned on constitutional grounds. The

Executive has not interposed objections as to the right of making appropriations in favor of such undertakings, when satisfied of their expediency and general advantage. Under this state of things, and when objections do not arise as to the exercise of any constitutional power, measures calculated to advance the interest of the Territory, and particularly when standing in connexion with the general interest of the States, should receive, as they deserve to receive, marked attention. The time may possibly soon go by, when those advantages will be retained. Ere long this Territory may become a State, clothed with all the rights and privileges of the older members of this confederacy, subject to her self control, and governed exclusively by her own regulations, without dependence on, or aid to be derived from any source except her own councils and her limited resources. When this event shall take place, those improvements so desirable and useful, must and will encounter all those objections which are so repeatedly urged in favor of the sovereignty of a State. Hence do wise considerations dictate to present agents, not to neglect the golden opportunity which is before them; but at once to press those claims which reason and policy sanction; and strongly to solicit Congress to hear their application, and to act. The appeal cannot fail of success. It is not Florida merely that is concerned, but the western States; and the entire commercial and navigating interest of the United States. These will join with, and support you. It is their interest to do so; and what interest dictates to be pursued, is rarely, if ever neglected. The annual losses sustained along the coast of Florida concerns the States and the people of the States; and they, as much as the citizens of this Territory, should entertain an anxious desire to see patronised whatever measures may be calculated to give a different and better aspect to things. Were the losses which have been sustained, within a few years past, accurately computed, they would perhaps be found equal to the expenditures of all the proposed improvements. It is recommended to you that these things be considered—that probable losses sustained be calculated, accurately as any obtainable data can be had; and the whole submitted to the paternal care and guardianship of the General Government, that their wisdom may be brought to act upon them. I admit they are not matters, which properly pertain to your legislative characters, tho in some degree they stand in connexion with them, as affording you at least the opportunity of bringing to the consideration of Congress, by respectful enactment, those things, which, being unadvised by you they may not be informed of; they will doubtless obtain



that attention and consideration which their importance merits. These suggested improvements are not to be considered merely in reference to the commercial; but also to the military operations and defences of the country. Large expenditures have been incurred in building a Navy Yard for constructing ships of war, and in erecting a Fort to protect the harbour of Pensacola, that in time of danger and of war, vessels navigating the gulf, may find safety under its guns, against any superior force. But on the land side, reliance for defence and protection must be had on the Militia. The settlements for any such purpose and for furnishing necessary supplies are too sparse in the vicinity of Pensacola; and hence in case of war, the interior must be resorted to. To make this resort effectual, roads calculated to ensure expedition are needful and necessary to be undertaken, either by the public, or by a grant of such advantageous charters as may induce enterprising capitalists to embark in their construction.

Common roads also require attention. As the labor of a country constitutes its wealth, it is wise to guard it against all unnecessary exactions, and to afford in aid of it, all proper facilities. If owing to bad roads, increased expense be incurred, in conveying the products of the soil to market, and bringing back other articles for consumption, it must of course operate as a tax upon the laborer. But beside this, delays which are the consequence of neglected roads; and a failure to reach the market when prices are good, and fluctuating, often cause material injury to the buyer and to the producer. It is submitted therefore, if policy does not suggest the propriety of some wholesome and effectual legislation, by which roads may be preserved in proper order, and hazardous streams be rendered at all times passable. Good highways are not to be looked for, so long as their preservation is regulated after the present plan. The practiced mode here as in other places of confiding them to the custody of some citizen of the neighborhood, who for a time is made to act as overseer, is found to be wholly ineffectual. These agents cannot call upon the neighbours, for their laboring hands, without being under the obligation also to furnish their own; and it being scarcely ever exactly convenient for them to do this, none are called for: and hence the roads remain in a condition to exhaust the teams, and to wear out the wagons which are travelled over them. Those roads which are mostly used, should be enumerated; and some fund, other than the labor of the neighborhood be set apart for the purpose of keeping them in good order and in proper repair. Of this I feel confident the farmers will not complain, for the experiment being fairly made,

they will discover it to be the easiest and best mode, and eventually will prove to be the cheapest.

A close attention to the collection of the revenue of the Territory; and to its economical and faithful disbursement are subjects of the first importance. In imposing necessary demands on the citizens, uniformity should be regarded, that every species of property, may alike in some degree contribute, for that protection which it derives from government. The present plan of collecting, seems to demand improvement. Instead of having persons appointed to this responsible trust, by the County Courts, which may be assumed or declined at pleasure, it would be preferable to make it the official duty of sheriffs of the respective Counties, to undertake the trust of collecting and accounting for the revenue; and beside placing them under bond, with ample securities, to require that none shall be re-eligible to office, who fails to produce at the time of his election a receipt from the auditor for all monies in his hands, belonging to the public; and in case of any default in payment, the auditor to be authorised and directed, before the Superior Court at Tallahassee, to have a judgement, on motion, rendered for the amount unaccounted for, with such damages by way of penalty as may insure punctuality. This will be a simple and plain mode of effecting a beneficial end. The entire business will be under the care and direction of your fiscal agent here, more directly, than by forwarding delinquencies to the different counties, as is now the case, there to be prosecuted to judgement; and withall, having full notice of what the law requires when the office is assumed, your collectors will be without any just cause of complaint as to the manner; or as to the suggested summary jurisdiction of the court. By referring to the report of the auditor, who is charged with the fiscal department, it will be seen, that nearly two-thirds of the assessed revenue, which was due and payable on the 30th of Nov. 1833, yet remains, unpaid: and the same proportion of the revenue accruing in the past year, is also outstanding and unsettled. These facts go clearly to show that some mode of collecting more effectual than the present should be essayed, or constant derangement must attend your finances.

Your criminal code appears to me to need revision and correction. Desirable as it may be to restrain the vicious propensities of mankind, experience shows, that it cannot be effectually done. Occasionally, passion will outstrip the judgement, and lead persons to the commission of acts, which even by the offending party is often repented and repented of, when brought back to cooler moments, and to a sound reflection. But where the law im-



poses penalties disproportioned to the offence committed; or when disgraceful punishments are inflicted, instead of occasioning reformation which should be the object of punishments, a converse effect is most generally produced. The offender being stamped with ignominy, is thereafter, rendered a useless and dangerous member in society. Corporal punishment, on a free citizen, is hardly now to be met with in any criminal code. It has been stricken from our army regulations; and should be stricken from your Statute book. No hope of reform or feeling, other than cherished hatred of country, can reasonably be expected from any one, who shall be so harshly, and so ignominiously dealt with by the law.

It is advisable, too, that the right confided to Juries of fixing, at their discretion, penalties and punishments be taken away. As the practice now is, they are first required to determine the guilt or innocence of the accused. Next whether if guilty, the penalty shall be fine or imprisonment or Corporal punishment, and lastly, having agreed as to these, the *quantum* of punishment to be extended becomes a matter of difficult solution; for on all these points, the jury must be unanimous in their determination. Thus, by referring to them, three perplexing inquiries in the same case, their difficulties are increased, and the chances of conviction for crime diminished. The law ought to affix adequate and certain penalties to each enumerated offence. The guilt or innocence of the accused should rest with the jury, and when ascertained, the Court alone should declare such judgement as by the statute may be authorised.

Instances occur where persons charged with crime flee from the States into this Territory. Recently a demand was made by the Governor of Georgia, with a certified copy of the indictment forwarded, and a citizen was required to be delivered over to an agent specially charged to receive him. To meet such emergencies, the act of Congress of 1793 is not sufficiently explicit; nor is there any directory statute here, which affords further information than is given by that act. It says, that in case of application, it shall be the duty of the Executive "to cause said person to be arrested and secured." But how to be arrested? Shall the Executive direct the marshal or the sheriff to do it? The law does not make it their duty; nor does it impose a penalty for the omission. Shall a public proclamation go forth to all officers, civil and military, requiring and commanding them to make the arrest? The effect of such publicity, by warning the party of his danger, may be to enable him to elude the demand and to make his escape.

But the Executive shall cause the offender "to be secured." Again, the manner is not prescribed. Shall he, when he is arrested, be placed in close jail?—or the offence being of a character to authorise it, shall he be admitted to bail? Being arrested within this Territory, shall he be denied that privilege, which in the State where the offence was committed, he could claim and receive.—These are difficulties in reference to cases which have arisen, and which may arise again; and I respectfully submit to you, whether some legislative enactment be not necessary to explain all future doubts and difficulties that may take place.

There is another subject in connection with your criminal law which is worthy to be considered. As the rule exists at present, when a slave is executed, the master or owner is entitled to claim the assessed value of his property. This rule has obtained upon a construction of that constitutional provision, which declares that private property shall not be taken for public uses, without making just compensation therefor, but the idea is a misconceived one. It is not taking the property for public uses. The slave who violates a law, is amenable to the law; and where his life becomes the forfeit of his crime, it is an expiation to its demands and not a taking for public purposes. As well might it be pretended, that the life of a white man who has been guilty of a felony, is taken for public purposes, and the forfeiture be made a charge on the public treasury.

Owners in some degree should be held responsible for the correct deportment of their slaves. Privileges incompatible with their situation and condition in life, ought not to be extended, in as much as the effect of such treatment is to do them injury. That this may be avoided, is it not advisable to hold the owner so far responsible for a faithful guardianship over his slave, that in case of his becoming answerable to the law, he should receive, if any thing, not more than a third or half his value? Such a course will make the master more careful of his servants, and more particular not to concede to them those privileges, which in the end may impair their usefulness, and with it, the peace and good order of society. How unjust, too, is it, in a case where one slave murders another, that while the owner of the one receives no remuneration, the other by the law, is to be fully compensated. In such a case, if payment be extended, it should be decreed, that the owners of each be alike and equally reimbursed: certainly this should be the case, if reason in such matters is to be consulted, and justice regarded.



That part of the Statute of 1832, which seeks to repress gaming, is found to be entirely ineffectual. In open day, and in view even of the public authorities, the practice is indulged in. In other places, as in this Territory, repeated attempts to arrest it, have been unsuccessfully made; and with all the penalties, which from time to time have been declared, nothing of success has been reached. One of two remedies should be resorted to.—Instead of imposing a fine as a preventive, for seldom in that way can any who infract the law be reached, let imprisonment be resorted to, that the individual who offends, and not his family may be made to suffer: or otherwise make it a subject of revenue to the Territory, and thus tolerate a practice, which by experiments made, is found so difficult to be restrained. It is questionable, if the latter mode will not prove to be the preferable one. By attaching heavy penalties, the effect is, to compel those who are disposed to violate the law, into secret places, where hidden from the view of friends who might interpose and restrain them, the inexperienced and unwary, are often times involved in ruin. Legalise it!! Derive revenue from the practice! But at the same time, that none may play beyond his actually possessed money capital, let it be declared, that all contracts, promises and agreements, shall be utterly void, which rest upon, or are in any wise connected with considerations of hazard.

Permit me to say that to afford the means of education has always been a desirable consideration with thoughtful legislators. It is the essential means by which free governments are to be maintained. To effect this, let it be declared by law, that all sums accruing from fines and penalties shall constitute a fund, for establishing at some healthy position, a respectable Academy for the education of youth. The Executive will be more reluctant to remit penalties to offenders when they are thus advantageously to be applied; and even if an excessive fine be at any time exacted from some violator of the laws, he will derive satisfaction from knowing that if injustice is done to him, the sum paid will go to form the youthful mind, and give future character and benefit to the country. In a few years the fund thus created, may come to be, an important one, and be fully adequate to the end and object suggested.

A report from the Central Bank of Florida; and one from the Bank of Pensacola accompanies this message in conformity to the provisions of an act passed the 9th of February 1833.—The Union Bank has not yet gone into operation: but will do so, it is expected in a few days.

Commissioners have been appointed, tho' nothing definitive has taken place, relative to the Act of the last session entitled "An Act to provide for the completion of the capitol." To me, no report has been made. It will be in the power of the Commissioners, at the present session, to give you information of the exact condition of the Tallahassee fund, and thereby enable you to determine, what other and further legislation will be necessary to accomplish the objects of that law.

By an act of Congress passed the 18th June last, some expenditures considered by the Legislative Council to be necessary, were repealed and annulled; and thenceforth it was enacted, that the entire annual expense should not exceed \$ 7,000. This amount is short of what is necessary; Congress, however, has declared otherwise, and it is not for us to call their decision in question; but to restrict all future expenditures to the rule thus laid down and prescribed. Economy should be practised by all governments, that the people may have nothing of unnecessary exaction imposed; and could any thing of prodigal expenditure be imputed or perceived; so far from encouraging, I should be ready to reprove it. The exports from this territory are considerable, and are increasing; and the consumption in return, on which duties are paid, and whence revenue is derived to the General Government, is correspondently so. That revenue much exceeds what is expended within your limits.

But the presented question is not one of Dollars and cents: in that point of view, it is of little importance. Higher considerations are involved. This Territory being clothed with authority to select representatives to manage and control their internal domestic affairs, the question is whether when such rights exist, Congress should not permit the Representatives of the people to present to them what is, or is not, a reasonable expenditure of public money. Were extravagance practiced, which cannot justly be imputed, then might a pretext arise for inhibitions to be imposed, and then they should be imposed. Estimates for the present year, have been forwarded to the Treasury Department, based upon the declarations and requirements contained in the act of Congress to which I have alluded. But I respectfully suggest to you, to take the matter under advisement, and present to the view of the government what, in your opinion, may be thought necessary to an economical administration of affairs here, with such reasons as may be considered proper, that at a future period the same may be presented to the consideration of Congress. Thereafter you will know, on what

to rely, and to what extent your expenditures may proceed.

JOHN H. EATON.

Which having been read, on motion of Mr. Fitzpatrick, one thousand copies are ordered to be printed.

On motion of Mr. Belamy, the House then adjourned until to-morrow at 12 o'clock

### Wednesday, January 7.

The House met pursuant to adjournment; a quorum being present, the journal of yesterday's proceedings was read.

The following Standing Committees were appointed by the President of the Legislative Council, to wit:

#### *The Judiciary.*

Messrs. Smith,  
Blount,  
Downing,  
Walker,  
Putnam,  
Braden.

#### *Finance.*

Messrs. Blount,  
Bellamy,  
Fitzpatrick,  
Love,  
Mitchell,  
Wood.

#### *Banks.*

Messrs. Fitzpatrick,  
Smith,  
Blount,  
Putnam,  
Mitchell.

#### *Elections.*

Messrs. Love,  
Hunter,  
McNeill,  
Parish,  
Macon,  
Walker.

#### *State of the Territory.*

Messrs. Bellamy,  
Fitzpatrick,  
Putnam,  
Walker,  
Downing.

#### *Militia.*

Messrs. Priest,  
McKinnon,  
Parish,  
Brown,  
Holmes.

#### *Agriculture*

Messrs. Mooring,  
Priest,  
McKinnon,  
Duval,  
Macon,  
Edwards,  
Higginbotham.

#### *Enrolled Bills.*

Messrs. Putnam,  
Brown,  
Braden,  
Holmes,  
Edwards.

#### *Claims.*

Messrs. Duval,  
McKinnon,  
Hunter,  
Higginbotham,  
Edwards.

#### *Schools and Colleges.*

Messrs. Downing,  
Priest,  
Macon,  
Brown,  
Duval.

And on motion of Mr. Putnam, fifty printed copies are ordered.

Mr. Holmes gave notice that he would on some future day, ask leave to introduce a bill, authorising John O. Sewall to establish a ferry across the Chipola river, near Marianna.

Also, a bill to divorce, Martha Ann Parker from her husband William Parker.

Mr. Love gave notice that he will at same future day, ask leave to introduce a bill, to amend the Election laws of this Territory.

On motion of Mr. Bellamy, Moses Ellis, door keeper, took the oath of office.

The House then adjourned until to-morrow at 12 o'clock.

### Thursday, January 8.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Putnam gave notice, that at some future day, he will ask leave, to introduce a bill, to be entitled, an act providing for the partition of real and personal property in the Courts of Law and equity, in this Territory.

Also, a bill, to be entitled an act to repeal all Laws relating to the raising and collecting a Territorial Revenue for the Territory of Florida.

Also, a bill, to be entitled and act to incorporate the Methodist Episcopal Church in the City of St. Augustine.

Mr. Parish gave notice, that he will on some future day, introduce a bill to incorporate the Town of Monticello.

Mr. Downing presented the petition of Mrs. Hester Burke, praying to be divorced from her husband Thomas Burke—which on his motion, together with an accompanying letter, was referred to a select committee—Messrs. Downing, Bellamy, and Blount, were appointed thereon.

Mr. Putnam presented the petition of Mary J. Fontane, praying to be authorised by an act of the Legislative Council, to sell certain real estate, as therein expressed; which, on his motion was referred to a select committee; with leave to report by bill or otherwise—Messrs. Putnam, Smith, and Wood, were appointed thereon.

Mr. Putnam presented extracts from the presentments of the Grand Jury, for the counties of St. Johns and Musquito, at the June Term, 1834, and the December Term, 1834, and on his motion, it is ordered, that so much thereof as relates to law, be referred to the Judiciary committee—So much as relates to Finance be referred to the



committee on Finance;—and so much as relates to Internal Improvements, be referred to the committee on the State of the Territory.

Mr. Fitzpatrick presented the petition of Indiana C. T. Richards, with an accompanying certificate, praying to be divorced from her husband Wolcott Richards. Also the petition of Alexander Patterson, praying to be divorced from his wife Eliza—with accompanying certificates. Also the petition of Mary Ann Child, praying to be divorced from her husband Hale Child—with an accompanying certificate; which, on his motion, were severally referred to a select committee, with leave to report by bill or otherwise—Messrs Fitzpatrick, Bellamy, and Downing, were appointed thereon.

Mr. Fitzpatrick presented the petition of Sundry inhabitants of the City of Key West, praying a repeal of the act of incorporation of said city, and for other purposes therein expressed, which on his motion, was referred to a select committee—Messrs. Fitzpatrick, Downing, and Walker, were appointed thereon.

Also the presentments of the Grand Jury of Monroe county, made at the adjourned December Term, 1834—which, on his motion, was referred to the committee on the State of the Territory.

Mr. Duval offered the following Preamble and Resolution to wit:

WHEREAS, It has pleased Divine Providence to remove from among us, NATHAN BYRD, a member elect, of this body from the county of Leon: And whereas, The members of this body impressed with the most lively sense of the great loss that they and the country have sustained, in a bereavement, that has deprived them of the aid of one from whose elevated virtues, ardent zeal for the public good, and past services, so much was to have been anticipated, and being desirous of making a proper manifestation of their regard for departed merit:

Be it therefore resolved, that in token of their high respect for the memory of the deceased, and their deep regret for his loss, the members of the Council wear crape on the left arm during the remainder of the present session.

And the rule of the House being waived, the same was put on its passage and adopted.

The Annual Message, of his Excellency the Governor was taken up from the orders of the day; when the House resolved itself into a committee of the whole thereon, after some time spent therein the committee arose; And Mr. Bellamy therefrom, reported the following Resolution to wit:

Resolved, That so much of the Governor's Message as relates to a survey of the Coast of Florida—The building of Light houses—To Internal Improvements; and the construction, and keeping in repair of common Roads, be referred to the committee on the State of the Territory.

Resolved, That so much thereof as relates to the Revenue, and the manner of its collection and disbursements, and also as relates to the subject of gaming be referred to the committee on Finance.

Resolved, That so much thereof as relates to the Criminal Code—The manner of arresting fugitives from justice; and the compensation which shall be made to the owners of executed slaves, be referred to the committee on the Judiciary.

Resolved, That so much thereof as relates to the subject of Education be referred to the committee on Schools and Colleges.

Resolved. That so much thereof as relates to the Central Bank of Florida, and the Bank of Pensacola, and the accompanying reports, be referred to the committee on Banks.

Which was concurred in by the House,—and said Resolution were put on their passage, and adopted.

The House then adjourned until to-morrow 12 o'clock.

### Friday January 9.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Putnam, pursuant to previous notice, asked and obtained leave to introduce "A bill to provide for the partition of real and personal property in the Courts of Law and Equity in this Territory,"—which on his motion was read by its title and referred to the judiciary committee.

Mr. Holmes, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "An act authorising John O. Sewall to establish a ferry across Chipola river, near Marianna,"—which on his motion, was read by its title, and referred to the Committee on the State of the Territory.

Mr. Higginbotham, gave notice, that on some future day, he will ask leave to introduce a bill, "To change the name of Elizabeth Underwood, to that of Elizabeth Murhee."

Mr. Holms, gave notice, that he will on some future day, ask leave to introduce a bill to amend an act concerning Executors.

The Report of Thomas Brown, Auditor of the Territory of Florida, was taken up, and on motion of Mr. Blount, 500 copies are ordered.  
The House then adjourned until to-morrow at 12 o'clock.

TREASURY DEPARTMENT, FLORIDA,  
TREASURER'S OFFICE, January 6th, 1835.

The undersigned respectfully reports, that the annexed Account Current exhibits the principle transactions in his department of the Treasury, during the past year to the 30th November last.

From the Auditor of the Treasury, you will receive statements of the delinquents to the Territory, and of the claims Audited by him against it for the past year, and also of the arrears due to, and from the Territory, prior to that time.

From my Report at the last Session, of the 13th January, it will be seen, that there was in the hands of the Commissioner of the City of Tallahassee, the sum of three hundred and seventy-six dollars and sixty-six cents. On the 17th February, Turbutt R. Betton, Esq. was removed from office as Commissioner, when he reported, and rendered his accounts, showing a balance in his hands, of fifteen hundred and seventy dollars and fifteen cents, since which no Report has been made to this Department by the present Commissioner, but recently, the late Commissioner filed in this office, a receipt from Willis Alston, Esq. Commissioner, for the balance in his hands, which balance I have transferred to the account of said Alston. I am informed, a Report with the proper accounts, will, in a few days, be made to the Council, showing the state and situation of the Tallahassee Fund.

Respectfully submitted,

Your Obed't. Serv't.

CHARLES AUSTIN, Terr'al. Tres'r.

The Territory of Florida in Account Current with Charles Austin, Treasurer.

Gr.

[illegible]



## AUDITOR'S OFFICE,

TREASURY DEPARTMENT, Tallahassee, Jan. 6, 1835. }

To the Hon. John Warren,  
President of the Legislative Council:—

Sir—The Auditor of the Public Accounts, has the honor to Report to the Legislative Council, the state of the Finances for the Territory of Florida for the fiscal year ending the 30th November, 1834.

Exhibit, No. 1, is a statement and settlement of Accounts with the Territorial Treasurer.

Exhibit, No. 2, is a general statement of the Revenue of the Territory, by which it will be seen that only eleven Counties have made returns to this department during the last fiscal year, viz: The Counties of Walton, Franklin, Jackson, Gadsden, Leon, Jefferson, Hamilton, Nassau, Duval, St. John's and Munroe, and that five only of those have made payment into the Treasury, viz: Franklin, Jackson, Leon, Jefferson and Hamilton. The Counties of Escambia, Washington, Madison, Alachua, Columbia, Mosquito and Hillsborough, have made no returns of Taxes to this Department; and it will also be seen that there has been no Returns of Auction Tax of consequence except from the Cities of Pensacola and Tallahassee.

Exhibit, No. 3, shows the amount which has been received into the Treasury on Account of Arrears during the last fiscal year, with the amount now due.

Exhibit, No. 4, shews the situation of the Finances of the Territory, leaving a balance in favor of the Territory of \$5197 90 1-2, not estimating the Revenue due from seven Counties, from which no returns have been received, and the Auction Tax, which is due from Auctioneers who have not made report to this Department, and which will exceed any amount of Treasury bills, and Treasury Commissioners Certificates, which may not yet have been redeemed, or any amount of claims against the Territory, which have not yet been Audited. So that it will clearly appear that the Revenue of the Territory is fully equal to its expenses, if a faithful and prompt collection and payment into the Treasury could be enforced, and to this subject, I respectfully call the attention of the members of the Legislative Council. I would also suggest the propriety of changing the fiscal year, so that it would end during the session of the Legislative Council, instead (as at present) on the 30th day of November.

Very respectfully,

Your most Obed't. Serv't.

THOS. BROWN, Auditor.

## AUDITOR'S REPORT,—No. I.

Showing a settlement with the Territorial Treasurer for the fiscal year, ending 30th November, 1834.

1833.	1834.
Dec'r. 1, To balance remaining in the Treasury as per Report of 30th November, 1833, and received into the Treasury during the present Fiscal year, to 30th Nov. 1834,	Nov'r. 30, By amt't paid on Auditor's checks to 30th November, 1834,
\$ 86 91 3	\$4,531 88
6,695 51 1	681 06 1
\$5,782 43	\$ 133 75
\$ 20 35	55 50
	86 25
	67 81
	343 31
	127 51 1
	78 31
	20 35
	\$5,782 43

THO. BROWN, Auditor.

Showing the amount of Arrears due to the Territory, prior to the 30th November, 1883. With the amount since paid, and the amount now due, and the situation thereof.

Insolvent, Principal and Security paid in the Treas.  
Coll. by G. Walker, Esq. U. S. Dist. Atty. and  
Claim in the hands Mr. Walker to collect.  
Claim in the hands of Mr. Walker to collect.  
Collected by Mr. Walker and pd. into the Trsfy.  
In the hands of Thos. Douglass, U. S. Dist. Atty  
East Dist., to collect.  
Put in the hands of the late J. R. Campbell, U. S.  
District Atty. to collect.  
Sett'd by Andr. & Trestr. bal. due pd. by Executors.  
Paid into the Treasury by Maj. Charras.  
Appointed by law to build a Jail at Key West,  
but no receipt furnished to this department of  
payment to the Jail Commissioners.  
These amounts are for Fines and Forfeitures re-  
ported by Clerks of Courts. Some of which  
have been remitted, and both these gentlemen  
have claims in their hands against the Trety.  
to cover these sums, charged against them.

Shewing the Amount of Revenue received, and the amount now due, from each County in the Territory, and the expense of Prosecuting Criminals in each Judicial District, for the Fiscal year ending the 30th November, 1834.

THOS. BROWN, Auditor.



1834.  
Nov. 30.

To amount due from the Territory, on }  
Auditors Checks outstanding,  
" Bal. in favor of the Territory

\$ 3,387 90½  
5,197 90½

\$8,585 81

1834.  
Nov. 30.

By bal. remaining in the Treasury on the }  
30th Nov. 1834, See Report No. 1. }  
" Amount of Revenue as per returns to }  
" 30 Nov 1834, yet due & un pd. }  
" Amount Auction yet due } See No. 2.  
" Amt. Fines & Forfeits yet due }  
" Amount of Arrears yet due }

\$ 20 35  
3,415 17½  
3 39  
533 06  
4,613 83½

\$8,568 81

By Balance in Favor the Territory as above,

\$5,197 90½

THOS. BROWN, Auditor

Dr. **AUDITORS REPORT,—No. 4,** Cr.  
Shewing the amount due to, and from the Territory, on the 30th November, 1834.

Saturday, January 10.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Bellamy, Mr Dupont a member elect from Gadsden county, was duly qualified and admitted to take his seat.

On motion of Mr. Bellamy, Mr. Dupont was added to the committee on the Judiciary, and on the State of the Territory.

On motion of Mr. Duval, Mr. Dupont was added to the committee on Claims.

On motion of Mr. Fitzpatrick, Mr. Duval was added to the committee on Banks.

On motion of Mr. Blount, Mr. Putnam was added to the committee on Finance.

Mr. Putnam gave notice that on some future day, he will ask leave to introduce a bill entitled an act in relation to Fees.

Mr. Fitzpatrick gave notice, that he will introduce a bill at some future day to provide for taking the Census of the Territory of Florida.

Mr. Downing gave notice, that he will at some future day, ask leave to introduce a bill to make New Smyrna, the County Seat of Mosquito county.

Mr. Duval gave notice, that on some future day, he will ask leave to introduce a bill to be entitled an act for the encouragement of Mechanics.

Mr. Putnam pursuant to notice previously given, asked and obtained leave to introduce a bill, entitled an act to incorporate the Methodist Episcopal Church, in the City of St. Augustine—which was read the first time by its title, and made the order of the day for a second reading on Monday next.

Mr. Bellamy offered the presentments of the Grand Jury of Duval county, made at this December Term, 1834—which on his motion so far as they relate to the laws, were referred to the Judiciary committee and all other matters therein are referred to the committee on the State of the Territory

Mr. Putnam presented the petition of Peter Mitchell and others, proprietors of the Alachua Grant, praying that for the present, the lands contained in that grant, may be exempt from taxation—which on his motion, was referred to a select committee—Messrs. Putnam, Fitzpatrick, and Smith, were appointed on that committee.

Mr. Holmes offered sundry Resolutions, in relation to the establishment of a mail route from Campbelton, Florida

da, to Monticello Alabama—which were read, and laid on the table.

Mr. Downing, from the committee to whom was referred the petition of Hester Burke reported a bill, entitled an act to divorce Hester Burke and Thomas Burke—which was read, and on motion of Mr. Bellamy, made the order of the day for a second reading on to-day.

Mr. Putnam from the Committee to whom was referred the petition of Mary J. Fontane, reported a bill, entitled an act to authorise Mary J. Fontane to sell and convey certain real estate which was read, and on his motion, made the order of the day for a second reading on Tuesday next.

A bill entitled an act to divorce Hester Burke and Thomas Burke, was taken up from the orders of the day—On motion of Mr. Bellamy, said bill, was read a second and third time by its title (the rule of the House being waived) and passed. Ordered that the title be as before stated.

The House then adjourned until Monday next at 12 o'clock.

### Monday, January 12.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. McNeil gave notice, that on some future day, he will ask leave to introduce a bill, to be entitled an act, to fix permanently the County Seat of Madison, and to provide for holding two terms of the Superior Court in said County.

Mr. Braden gives notice, that on some future day, he will ask leave to introduce a bill, concerning Dower.

Mr. Mitchell gave notice, that he on some future day will beg leave to introduce a bill, to be entitled an act amendatory, and in addition to an act, relating to Roads, Highways, and Bridges, passed February 4th, 1833.

Mr. Duval gave notice, that on some future day, he will ask leave, to introduce a bill to be entitled, an act amendatory of the several acts regulating patrols.

Also, a bill to be entitled, an act to repeal the 62d section of an act relating to Crimes, and misdemeanors, committed by slaves, free negroes, and mulattoes, passed 17th Nov. 1828.

Mr. Bellamy presented the petition of sundry inhabitants of Jefferson County, praying relief for John McDowell, sen. as therein expressed,—which on his motion, was together with an accompanying letter, referred to the Judiciary committee.

Mr. Braden offered the following Resolution to wit.  
Resolved, That the Executive of the Territory be requested

to communicate to the Council whether any agreement has been made with the contractors for the publication of the first volume of the compilation of the Laws of the Territory of Florida—for the publication of the second volume, under the Act approved February 15th, 1834. And if such agreement has been entered into, what progress has been made in the publication, and when the same may be expected to be completed,

Which was read and on his motion (the rule of the House being waived)—was put on its passage, and was passed.

Mr. Bellamy offered the following Resolution, "to wit."

Resolved that the Secretary of the Territory be requested to furnish each standing Committee with a full copy of the Laws since the year 1828, inclusive.

Which was read, and on his motion (the rule of the House being waived) and said Resolution was put on its final passage and was passed.

Mr. Putnam from the committee on Enrolled Bills,—Reported as correctly enrolled,—“an act to divorce Hester Burke, and Thomas Burke”—which was signed by the President

Mr. Fitzpatrick from the Select committee to whom the matter had been referred,—Reported, a bill, entitled An Act to divorce Indiana Cordelia T. Ritchards and Wolcott Ritchards, which was read and made the order of the day for a second reading on to-morrow

A bill, entitled, “An act to incorporate the Methodist Episcopal Church, in St. Augustine”—was taken up from the orders of the day, and read a second time, on motion of Mr. Putnam, (the rule of the House being waived) and said bill read a third time, by its title, and passed. Ordered that the title be as above stated.

Mr. Holmes, on a former day, offered the following resolutions to wit:

Resolved, That the Delegate in Congress be requested to use his exertions to procure the establishment of a mail route from Cambelton, Florida,—to Monticello in Alabama.

Resolved that a copy of the forgoing Resolution be signed by the President and Chief Clerk, and forwarded to the Hon. Joseph M. White.

Which were taken up from the orders of the day, again read, put on their passage and passed.

The President laid before the House the report and Account Current of Willis Alston, Commissioner of the City of Tallahassee—which was read, and on motion of Mr. Fitzpatrick, referred to the committee on Finance.

The House then adjourned until to-morrow at 12 o'clock.



Tuesday, January 13.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr President laid before the House the following communication received from his Excellency the Governor, to wit.

EXECUTIVE OFFICE, }  
January 13th, 1835. }

*To the Executive Council, of the Territory of Florida:*

Agreeably to a resolution of the Council, of the 12th instant, requesting such information as this office might afford, touching the publication of a Revised Code of the Laws of this Territory, passed the 15th of February, 1834—I have the honor to lay before you, the enclosed copy, of a contract of R. D. and J. Westcott, made the 27th day of August, 1834. By the terms of that Contract, it will be perceived, that 750 volumes of the work, are to be delivered, for distribution, within six months from its date. Mr. J. D. Westcott gives the assurance, that the delivery will take place, by the time agreed or perhaps earlier.

JNO. H. EATON.

Know all men by these Presents, That we Rich. D. Westcott, & John Westcott, Jr., & Jas. D. Westcott, Jr., Wm. B. Nuttall, and Hector W. Braden,—all of the Territory of Florida, are held and firmly bound unto the Governor of the Territory of Florida, and his successors in office, in the sum of Three Thousand Dollars, lawful money of the United States of America; for the true payment of which, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents sealed with our seals, and dated the 27th day of August, in the year of our Lord, one thousand eight hundred and thirty-four.

The condition of this obligation is such, That whereas, the said R. D. Westcott & J. D. Westcott jr. composing the firm of R. D. & J. D. Westcott, have contracted with the said Executive for the publication of the Laws of the said Territory, according to the Act of the Governor and Legislative Council of said Territory, entitled "an act for the continuation of the Compilation of the laws of this Territory." Approved February 15th, 1834.

Now, therefore, If the said contractors do within six months, from the date thereof, furnish the Executive of said Territory, for the Territory, seven hundred and fifty copies of each of the said volumes according to said contract, to be distributed in such manner as is or may be

provided by law, then this obligation to be void, or else to be and remain in full force and virtue.

Signed, sealed, and delivered, in the presence of us. }  
R. D. WESTCOTT, (Seal)  
by his Attorney  
JNO. WESTCOTT, (Seal)  
JNO. WESTCOTT, Jr. (Seal)  
JAMES D. WESTCOTT (Seal)  
WILL: B. NUTTALL (Seal)  
H. W. BRADEN (Seal)

I hereby certify the above to be a true copy from the original on file, in my office.

G. K. WALKER, Sec. of Florida.

Which was read.

Mr. McKinnon gave notice, that on some future day, he will ask leave to introduce a bill, to provide for the building of a Jail in the county of Walton.

Mr. Bellamy offered a memorial and letter from L. Kingsley and others, praying that certain privileges be extended to free colored persons,—Which was read, and on motion of Mr Fitzpatrick, referred to the committee on the Judiciary.

Mr. McNeil presented a petition from sundry persons, citizens of Madison county, praying the passage of an act to authorise the holding of an election for commissioners in said county, to select a county site—Which on motion of Mr. Downing, was referred to a select committee—Messrs Downing, Munter, and McNeil, were appointed thereon.

Mr. Priest presented the petition of Samuel B. Fitzpatrick, praying for a relief as therein expressed—Which was read and, on his motion, referred to the committee on Claims.

Mr. Putnam offered the following resolution to wit.

Resolved, That the utility and propriety of revising many of the acts now in force, as to their amendment, addition or repeal be submitted to the committee on the Judiciary, for their examination and report thereon—which was read (and the rule of the House being waived) put on its passage and passed.

Mr. Bellamy from the committee on the State of the Territory, to whom the matter had been referred, reported the following resolution.

Resolved by the Legislative Council of the Territory of Florida, That they highly approve of the presentments of the Grand Jury for the counties of St. Johns and Mosquito, submitted to the Superior Court at the December Term thereof, 1834, touching the repair of of Fort Marion—The completion of the sea-wall at St. Augustine—The construction of a fire engine house upon the govern-

ment lot in said city, where the Court House has been recently built, and the procuring a fire engine, with the requisite apparatus, to protect that building, and the valuable documents therein deposited, in case of fire; Also the repair of the causeway and bridge in the rear of St. Augustine, and the road leading thence to Picolota, on the St. Johns river and Nunansville, in Alachua, being part of the high-way from St. Augustine to Tallahassee, originally opened by the General Government: Also the opening and constructing a Canal between St Augustine and six mile creek, on the river St. Johns.

Resolved, further, That the subject referred to in the proceeding Resolution, and upon which the Grand Jury have so ably and fully expressed their views, are of vital importance to the interests of the people of St. Augustine, and East Florida; and merit the serious attention of Congress; and that the Honorable Joseph M. White, Delegate in Congress from Florida, be, and he is hereby requested to use his best exertions to procure the necessary appropriations and to adopt such other steps as may be requisite to carry said measures into speedy effect.

Resolved, further, That a copy of the foregoing resolutions, certified by the President and Clerk of this House, be forthwith transmitted to the Delegate.

Which were read, (and the rule of the House being waived) put on their passage and passed.

Mr. Putnam from the committee on Enrolled Bills reported as correctly enrolled—"an act to incorporate the Methodist Episcopal Church in St. Augustine" And also a Resolution in relation to the establishment of a mail route—Which were signed by the President.

A bill to authorise Mary J. Fontane, to sell and convey certain real estate, was taken up from the orders of the day and read the second time. On motion of Mr. Downing 25 written copies of said bill are ordered—and it is made the order of the day for a third reading on Thursday next.

A bill entitled An Act to divorce Indiana C. T. Richards, and Wolcott Ritchards, was read the second time, and made the order of the day for a third reading on to-morrow

The House then adjourned until to-morrow at 12 o'clock.

### Wednesday, January 14.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Putnam gave notice, that on some future day, he will ask leave to introduce a bill, to be entitled "An act to incorporate the St. Augustine Wharf Company."

Mr. Blount gave notice, that on some future day, he will ask leave to introduce a bill, to amend the several acts incorporating the Bank of Pensacola, and for other purposes.

Mr. Duval presented the petition of R. J. Hackley, and others citizens of Leon County, praying relief, as therein expressed.—Which was read,—and on motion of Mr. Blount, referred to the Committee on Claims.

On motion of Mr. Blount, the Reports of the Treasurer and Auditor of the Territory of Florida, were taken up from the table, and with the accompanying documents referred to the committee on Finance.

On motion of Mr. Downing, Mr. McNeil was excused from further duty on the select Committee, to whom was referred the petition of certain inhabitants of Madison County.—and Mr. Priest was appointed in his place.

Mr. Macon offered certain Resolutions, touching the subject of divorce—Which were read and laid on the table.

A bill, entitled "An act to divorce Indiana Cordelia T. Richards, and Walcott Richards, was read the third time.—The Yeas and Nays being required on its passage—by Messrs. Duval and Macon—were yeas, Mr. President, Messrs. Bellamy, Blount, Downing, Edwards, Fitzpatrick, Higginbotham, Holmes, Hunter, McNeil, Mitchell, Priest, Putnam, and Wood,—14.—nays, Messrs. Braden, Du-Pont, Duval, Love, Macon, McKinnon, Mooring, and Walker—8. So the said bill is passed. Ordered that the title be as before stated.

The House then adjourned until to-morrow at 12 o'clock.

### Thursday, January 15.

The House met pursuant to adjournment,—a quorum being present, the journal of yesterday's proceedings was read.

Mr. Holmes gave notice, that he will on some future day, ask leave to introduce a bill, to be entitled "An Act to retain the Territorial Taxes for the year 1835 and 1836, so far as respects the County of Jackson, for County purposes.

Mr. Brown gave notice, that he will, on some future day, ask leave to introduce a bill, to be entitled "An Act to amend the Attachment Law of the Territory of Florida."

Mr. Fitzpatrick offered the following Resolution, to wit:—

Resolved, That a Committee be appointed to Contract for the printing required during the present session of the Legislative Council and for printing the Laws.—Which (the rules of the House being waived) was put on its



passage, and passed.—Messrs. Fitzpatrick, Blount and Macon, were appointed on said committee.

A bill entitled "An act to authorize Mary J. Fontain, to sell and convey certain real estate therein described—Was taken up from the orders of the day—read the third time and passed. Ordered that the title be as before stated.

The House then adjourned until to-morrow at 12 o'clock.

### Friday, January 16.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Wood gave notice, that he will on some future day, ask leave to introduce a bill, to amend an act, entitled an act to incorporate the Commercial Bank of Florida, at Apalachicola.

On motion of Mr. McNeil, a select committee of three members was appointed to enquire into the expediency of chartering a ferry over the Suwannee river, at or near a place called Hamlen's Old Store, where the road leading from San Pedro, in Madison county, to Ross' Mineral Springs, in Columbia county, crosses said river—And also to enquire who is the most suitable person to grant a charter to; with leave to report by bill or otherwise—Messrs. McNeil, Higginbotham, and Downing, were appointed thereon, and on motion of Mr. Priest, Mr. Brown is added to said committee.

Mr. Priest gave notice, that he will on some future day, ask leave to introduce a bill, to incorporate a Volunteer Company in the county of Alachua, to be called the Spring Grove Guard.

Mr. Downing gave notice that he will at some future day, introduce a bill to abolish all Taxes, Territorial, County, and Corporate.

Mr. Duval gave notice, that on some future day, he will ask leave to introduce a bill, to change the mode of voting at Elections.

Mr. Putnam, pursuant to previous notice, asked and obtained leave to introduce a bill entitled "an act to incorporate the St. Augustine Wharf Company"—which was read,—and made the order of the day for a second reading on Monday next—and five written copies are ordered.

Mr. Duval presented the petition of John Roberts, praying a divorce from his wife Betsy—Which was read, and on motion of Mr Duval referred to a select committee—Messrs. Duval, Blount, and Wood, were appointed thereon.

Mr. Wood presented the petition of James Johnson, praying a divorce from his wife Dorathea—which was, on his motion, referred to a select committee—Messrs. Duval, Blount, and Wood, were appointed thereon.

Mr. Braden offered a Preamble and Resolution touching the appointment of an Inspector or Surveyor, to be located at or near the mouth of Suwannee river—which was read and laid on the table.

Mr. Holmes offered certain Resolutions, touching the formation of a new Judicial district—which was read, and laid on the table.

Mr. Putnam from the committee on Enrolled bills, reported as correctly Enrolled, "an act to authorise Mary J. Fontane, to sell and convey certain real estate therein described—which was signed by the President.

Mr. Smith from the committee on the Judiciary, to whom was referred the petition of Sundry inhabitants of Jefferson county, praying for the relief of John McDowell Sen'r. reported unfavourably on said petition—and moved that the committee be discharged from the further consideration thereof—which report was concurred in by the House, and said committee were discharged from further consideration of the subject.

Mr. Smith from the committee on the Judiciary, to whom was referred a bill, entitled "an act to provide for the partition of real and personal property in the Courts of Law and Equity in this Territory," reported said bill without amendments which report was concurred in by the House—and on his motion, said bill is ordered to a second reading on to day.

His Excellency the Governor transmitted to the House, by his private Secretary Mr. Welford, the following communication.

### EXECUTIVE DEPARTMENT, } 16th January, 1835. }

*To the Legislative Council of the Territory of Florida.*

I have approved signed, and filed in the Secretary's office, the following acts:—

"An act to divorce Hester Burke and Thomas Burke."

"An act to incorporate the Methodist Episcopal Church in St. Augustine."

And an act to divorce Indiana Cordelia T. Ritchards and Wolcott Ritchards.

JNO. H. EATON.

Which was read.

Mr Fitzpatrick, from the committee on printing reported to the House the following communication.

E

TALLAHASSEE, 16th January, 1835.

*To the Committee on Printing:*

GENTLEMEN:—I will print in Pamphlet form the laws enacted by the present Legislative Council, in the same form and manner as last year, for two dollars and fifty cents per page, furnishing seven hundred and fifty copies; the work to be executed within six weeks after the adjournment, or sooner if practicable, & will publish the same in the *Floridian* for one dollar and twenty-five cents per page. I will print the Journals in pamphlet form furnishing five hundred copies for two dollars and fifty cents per page and will publish the same in the *Floridian* free of charge.

Such bills reports and miscellaneous Job-work as the House may order will be printed for four cents the hundred words counting each word in the first twenty-five copies, and extra copies will be furnished for four dollars the hundred copies not exceeding two sheets, if more, five dollars per copy. The bills will be printed on foolscap paper with blank margins and the work to be executed with the utmost promptitude after it may be ordered.

Yours respectfully,

WILLIAM WILSON.

Which was read and laid on the table.

A bill entitled "an act to provide for the partition of Real and Personal property in the Courts of Law and Equity in this Territory"—was taken up from the orders of the day—when on motion of Mr. Smith, the House went into committee of the whole thereof;—after some time spent therein, the committee arose, and Mr. Love therefrom, reported progress, and asked leave to sit again which report was concurred in by the House when on motion of Mr. Blount, 25 written copies were ordered.

The House then adjourned until to-morrow 12 o'clock.

Saturday, January 17th.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Macon gave notice that he will, on a future day, ask leave to introduce a bill to compel the defendant to give bail for his appearance in actions at law.

Mr. Putnam moved that the order of the House directing twenty five written copies of a bill entitled "An Act to provide for the partition of real and personal property in the courts of law and equity in this Territory, be re-considered and rescinded, which motion prevailed.

On motion of Mr. Fitzpatrick, the letter of William Wilson, making proposals for printing, was taken up from

the table for consideration, and on motion of Mr. Blount, the House advised and instructed the Committee on printing to accept the proposals made by Mr. Willson, and to enter into a contract with him.

On Motion of Mr. Putnam, it is ordered that fifty copies of the bill entitled "An Act to provide for the partition of real and personal property in the courts of law and equity in this Territory," be printed.

Mr. Priest offered a Resolution, which was read and laid on the table.

Mr. Fitzpatrick, from the Committees to whom the several matters, in sundry petitions, had been referred, reported the following bills, to wit:

A bill entitled "An Act to divorce Alexr. Patterson and Eliza Patterson.

A bill entitled "An Act to divorce Mary Ann Child and Hale Child.

A bill entitled "An Act to repeal an act entitled an act to incorporate the city of Key West, which were severally read by their titles and made the order of the day for a second reading on Tuesday next.

Mr. Duval from the Select Committee, to whom was referred the petitions of John Roberts and James Johnson praying to be divorced from their wives, reported the following bills, to wit:

A bill entitled an Act for the relief of John Roberts.

And also a bill entitled an Act to divorce James Johnson and Dorothea Johnson; which were severally read by their titles, and made the order of the day, for a second reading on Thursday next.

Mr. Braden, on yesterday, introduced the following Preamble and Resolution, to wit:

Whereas, the Counties bordering upon the Suwannee River and its tributary streams, comprising the Counties of Madison, Hamilton, Columbia and Alachua, in the Territory of Florida, containing a population of several thousand inhabitants, and including large bodies of rich lands, which must rapidly increase the number of its inhabitants; and whereas, also, a large extent of country immediately north of said river, and its tributaries, in the State of Georgia, and furnishing exports to a very considerable amount, all of which together with the exports and exchanges for the produce of the above named Counties, amounting already to several hundred thousand dollars annually, the principal part of which must be conveyed upon the waters of said river; and whereas, there is not at this time, between Tampa Bay and St. Marks, a distance of more than two hundred miles, any officer stationed for the protection of revenue, and the



insecurity of the coast between these points, preventing, in a great measure, any aid from the Cutters in the service from being effectual,

Be it therefore, Resolved, That our Delegate in Congress be requested to use his influence with the proper department, to have an Inspector or Surveyor appointed at some point at or near the mouth of Suwannee river.

Which were taken up from the orders of the day, read and adopted.

Mr. Holmes, on yesterday, offered the following Resolutions, to wit:

Resolved, That his Excellency, the Governor, be requested to transmit, by the first mail, to the Delegate in Congress, from this Territory, a certified copy of the Memorial of the Legislative Council in 1832, to the Senate and House of Representatives of the United States, in favor of the establishment of an additional Judicial District in this Territory.

Resolved, That the Delegate in Congress be instructed to use renewed efforts to effect, if possible, the passage of a law agreeable to said memorial, at this session of Congress, and the construction of such a court, so that a term thereof can be held in each of the Counties comprising said proposed district during the next spring.

Which were taken up from the orders of the day, read and on motion of Mr. Blount, referred to the Judiciary Committee with instructions to inquire into the expediency of establishing such district.

Mr. Blount offered the following Resolution, to wit:

Resolved, That His Excellency the Governor, be requested to transmit to this House, a copy of the memorial to Congress, adopted by the Legislative Council at the session of 1832, praying the establishment of an additional Judicial District to be composed of the Counties of Gadsden, Jackson and Franklin.

Which was read (and the rules of the House being waived) put on its passage and passed.

The House then adjourned until Monday next at 12 o'clock.

Monday, January 19.

The House met pursuant to adjournment a quorum being present the journal of last Saturday's proceedings was read.

His Excellency the Governor transmitted to the House the following communication to wit.

EXECUTIVE OFFICE,  
January 19th, 1835. }

To the Legislative Council.

Diligent search has been made in this office for a "memorial to Congress, adopted by the Legislative Council

"at their Session of 1832, praying the establishment of an additional judicial district, to be composed of the Counties of Gadsden, Jackson and Franklin," agreeably to a Resolution of the Council, passed the 17th instant. The search has proved unavailing.

It has not been the practice of the Secretary of the Territory, to preserve a record of the proceedings of the Council, except in cases when the Governor interposes objections to any act done by the Council, no record of their doings, has been made upon the Executive books. A full and complete narrative of their proceedings, being placed upon the Journals of the House, it has been considered, and perhaps rightfully, that no notice of them is necessary to be had, on the records, proper, of this office, accordingly, reference was had, but with no successful result, to the journals of 1832, to ascertain if the memorial could be found there.

JOHN H. EAFON.

Which was read.

Mr. McKinnon asked and obtained leave to introduce a bill, entitled "an act to provide for building a jail in the county of Walton"—which on his motion was read by its title, and made the order of the day for a second reading on Wednesday next.

Mr. Putnam gave notice: that on some future day he will ask leave to introduce a bill for the relief of Elias B. Gould.

Also a bill for the relief of John C. Cleland.

Also a bill regulating the mode of suing out writs of error, and prosecuting appeals in the Territory of Florida.

Mr. Blount gave notice, that he will on some future day ask leave to introduce the following bills:—a bill to incorporate the Escambia Manufacturing Company,

A bill to authorise Abraham Millsted to establish a Ferry across the Escambia river— and a bill to authorise Charles Hall to establish a ferry across the Perdido river.

Mr. Putnam pursuant to notice before given, asked and obtained leave, to introduce a bill entitled "an act to amend an act entitled an act to establish a Tariff of Fees"—which on his motion was referred to the Judiciary committee.

Mr. Walker gave notice, that on some future day he will ask leave to introduce the following bills:

A bill to authorise Wm. H. Chace and his associates to construct a rail McAdamized, or other artificial road from the waters of Pensacola bay to the Perdido bay or river—or to the 35th degree of north latitude being the boundary line between the State of Alabama and the Territory of Florida, at such points as they may think proper,

or a canal to connect the waters of Pensacola bay with the Perdido river.—Also,

A bill to authorise William H. Chase, and his associates to construct a rail way or canal between the Grand Lagoon emptying into the bay of Pensacola and the Perdido river.

Mr. Blount presented the petition of Margaret L. Anderson, praying for authority to sell certain real estate,—which on his motion was referred to the Judiciary committee.

Mr. Bellamy presented the petition of certain inhabitants of the town of Jacksonville praying for the establishment of Corporate limits as therein expressed—which was read and laid on the table.

Mr. Duval from the committee on claims to whom was referred the petition of Samuel B. Fitzpatrick, made the following report.

The committee on claims to whom was referred the petition of Samuel B. Fitzpatrick, having had the same under consideration, beg leave to make the following report.

That from a careful investigation of the facts, they find that the said petitioner was employed by the Legislative Council of 1829, as one of the clerks to that body :—that for his services as such he became entitled, (according to the ratio adopted) to the sum of two hundred and ninety-nine dollars, but owing to a deficiency in the appropriation made by Congress, to meet the expenditures of that session, the said petitioner received by way of compensation for said services only the sum of one hundred and ninety-six dollars and thirty one and a fourth cents, leaving a balance still due of one hundred and two dollars and sixty-nine cents.

Your committee being fully convinced of the justice of this claim, are anxiously solicitous that some measure should be adopted, by which its speedy adjustment could be ensured. From the very limited amount of the appropriation for the expenses of this session, the committee are convinced that they would be trenching upon the rights of others, should they recommend that this claim be settled out of that appropriation, they would therefore respectfully suggest that the claim be recommended to the justice of Congress, and that the same may receive the Legislative sanction of this body: they beg leave to recommend the adoption of the following resolutions.

1st. Resolved by the Legislative Council of the Territory of Florida, That the Delegate in Congress from this Territory, be and he is hereby requested to use his best efforts to obtain from Congress a speedy settlement of the claim set forth in the foregoing report.

2d. Resolved further, That the foregoing report, with the accompanying resolutions, be signed by the President of the council, and forthwith transmitted by the clerk of this House to the Delegate in Congress.

Which was read and laid on the table.

Mr. Bellamy from the committee on the State of the Territory to whom the same had been referred, reported a bill entitled an act authorising John O. Sewall, to establish a ferry across the Chipola river near Mariana,—with amendments which was again read,—and on motion of Mr. Holmes, made the order of the day for a third reading on to-morrow.

The House then adjourned until to-morrow at 10 o'clock.

## Tuesday, January 20.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Fitzpatrick gave notice, that he will, on some future day, introduce a bill to revive the Act passed 28th January 1832, to provide for the collection of judgements against free negroes, and other persons therein named—and to repeal an act passed 16th January 1834, to repeal the aforementioned act.

Mr. Braden presented the petition of James Stuart, upon the subject of a Bridge, over the Ocklocknee River, which, on his motion, was referred to a select Committee: Messrs. Braden, Holmes and Downing, were appointed thereon.

Mr. McNeill, from the select committee, to whom the matter had been referred, reported a bill entitled an Act to establish a Ferry across the Suwannee River, which (the rules of the House being waived) was read the first and second times by its title, and ordered for a third reading on to-morrow.

Mr. Priest, on a former day, offered the following resolution:

Resolved, That the Committee on the Judiciary be directed to take into consideration the propriety of giving to the Magistrates, in the several Counties, in this Territory, jurisdiction over all cases of assault, committed within their respective Counties, and to define by law, the amount of fine to be imposed, by them, for such offences; which was again read and adopted.

A bill entitled "An Act to divorce Alexr. Patterson and Eliza Patterson," was read the second and third times, (the rules of the House being waived) and the yeas and nays being required, by Messrs. Fitzpatrick and Blount, were yeas, Mr. President, Messrs. Bellamy, Blount,



Downing, Duval, Edwards, Fitzpatrick, Higginbotham, Holmes, Hunter, McNeill, Mitchell, Mooring, Parish, Priest, Walker and Wood—17. Nays, Messrs. Braden, Macon, McKinnon, and Smith—4. So the said bill is passed—ordered that the title be as before stated.

A bill entitled "An Act to divorce Mary Ann Child and Hale Child," was read the second and third times (the rules being waived) and passed—ordered that the title be as above stated.

A bill entitled An Act to repeal An Act entitled An Act to incorporate the City of Key West, was read the second and third times (the rules being waived) and passed—ordered that the title be as above stated.

A bill entitled An Act for the relief of John Roberts, was read the second and third times (the rules being waived) the yeas and nays being required on its passage by Messrs. Macon and Duval, were yeas Mr. President, Messrs. Bellamy, Blount, Downing, Duval, Edwards, Fitzpatrick, Higginbotham, Holmes, Hunter, McNeill, Mitchell, Mooring, Parish, Priest and Wood—16. Nays Messrs. Braden, Macon, McKinnon, Smith and Walker—5. So the said bill is passed—ordered that the title be as before stated.

A bill entitled An Act to divorce James Johnson and Dorathea Johnson, was read the second and third times (the rules being waived) and passed—ordered that the title be as before stated.

A bill entitled An Act authorising John O. Sewell to establish a Ferry across Chipola River, near Marianna, was on motion of Mr. Blount, laid on the table until Monday next.

On motion of Mr. Blount, the bill entitled An Act to provide for the Partition of Real and Personal Property in the Courts of law and Equity in the Territory, was postponed, and made the order of the day for Thursday next.

The House then adjourned until to-morrow at 10 o'clock.

### Wednesday, January 21.

The House met pursuant to adjournment a quorum being present, the journal of yesterday's proceedings was read.

Mr. Wood gave notice, that he will on some future day, introduce a bill to alter the time of holding the County Courts of Franklin county.

Mr. Putnam pursuant to previous notice asked and obtained leave to introduce the following bills.

A bill for the relief of Elias B. Gould.

A bill for the relief of John C. Clealand, which were read by their titles, and with sundry documents filed therewith, were on his motion referred to the committee on Claims.

Mr. Priest presented the petition of John G. Tyner and other inhabitants of the Counties of Alachua and Columbia, praying a change in the boundary between said Counties, which was read, and on his motion, referred to the committee on the State of the Territory.

A bill entitled an act to provide for building a jail in the County of Walton was taken up from the orders of the day, again read, and ordered to be engrossed for a third reading on Wednesday next.

A bill entitled an act to establish a ferry across the Suwannee river, was on motion of Mr. Downing, postponed and made the order of the day for to-morrow.

A bill entitled an act to incorporate the St. Augustine Wharf Company, was on motion of Mr. Putnam, postponed and made the order of the day for to-morrow. The House then adjourned until to-morrow at 10 o'clock.

### Thursday, January 22.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. President laid before the House sundry memorials transmitted to him by the Hon. Joseph M. White, which were referred to the Committee on the state of the Territory.

Mr. Braden gave notice that he will on some future day ask leave to introduce a bill, to secure more effectually, the collection and distribution of the Revenue of the Territory.

Mr. Higginbotham gave notice that he will on some future day, introduce a bill to tax non-residents cattle.

Mr. Bellamy gave notice that he will on some future day, introduce a bill to establish a ferry over the Suwannee river, at Reuben Charles'.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled "An Act to Provide for the collection of judgements against free negroes, and other persons, therein named," which was read and ordered for a second reading on to-morrow, and twenty five written copies are ordered.

Mr. Duval, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled "An Act to alter and amend An Act, concerning the Election of Members of the Legislative Council of the Territory of Florida,"

which was read, and on motion of Mr. Love, referred to the committee on Elections.

Mr. Mitchell, pursuant to previous notice, asked and obtained leave to introduce a bill entitled "An Act relating to Roads, Bridges and Ferries," which was, on motion of Mr. Blount, read by its title, and referred to the committee on the State of the Territory.

Mr. Bellamy presented the petition of Elizabeth Up-tegrove, praying a divorce, which on his motion was referred to a select committee.—Messrs. Bellamy, Fitzpatrick and Priest, were appointed thereon.

Mr. Belamy presented the petition of Lewis Norton praying the establishment of a Ferry over the Suwannee River, which, on his motion, was referred to the committee on the State of the Territory.

Mr. Braden presented the petition of Daniel Gantt, praying relief, as therein expressed, which, on his motion was referred to the committee on claims.

Mr. Putnam, from the committee on Enrolled Bills, reported as correctly enrolled:

"A Act to divorce Alexander Patterson and Eliza Patterson."

"An Act to divorce Mary Ann Child and Hale Child."

And "An Act for the relief of John Roberts," which were respectively signed by the President.

Mr. Bellamy, from the Select Committee, to whom was referred the subject of drafting a code of Rules for the government of the House—Reported, that said committee had had the subject under consideration, and do recommend to the House the adoption of the Rules in force at the last session, without amendment, which report was concurred in and adopted by the House, and 100 printed copies of said rules are ordered.

The House then resolved itself into a Committee of the Whole on the bill entitled "An Act to provide for the partition of real and personal property in the courts of Law and Equity in this Territory."—Mr. Love in the Chair, after sometime spent therein, the committee arose and the Chairman reported progress, and asked leave to sit again, which report was agreed to by the House.

His Excellency the Governor transmitted to the House the following communication:

EXECUTIVE OFFICE,  
January 22d, 1835. }

To the Legislative Council:

I nominate, as Directors, to the Union Bank of Florida, for the present year, the following persons, to wit:

ROBERT GAMBLE, of Jefferson County.  
HENRY GEE, of Gadsden County.  
RICHARD C. ALLEN,  
HECTOR W. BRADEN, } of Leon County,  
AUGUSTUS ALSTON.

JOHN H. EATON.

Which was read, when on motion of Mr. Blount the House went into secret session on the nominations therein contained, and did consent to and confirm the same, when the door was again opened.

A bill entitled "An Act to establish a Ferry across the Suawnee river," was on motion of Mr. Bellamy, referred to the committee on the State of the Territory.

A bill entitled "An Act to incorporate the St. Augustine Wharf Company," was read the second time by its title, and on motion of Mr. Smith, made the order of the day for another reading on to-morrow.

The House then adjourned until to-morrow at 11 o'clock.

Friday, January 23.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Priest, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act to provide for the establishment and organization of the Spring Grove Guards"—Which was read by the title, and made an order of the day for a second reading on to-morrow.

Mr. Wood, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act to alter the time of holding the County Courts in Franklin county"—which was read, and made an order of the day for a second reading on to-morrow.

Mr. Parish, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act to revive and amend an act, entitled an act, to incorporate the Town of Monticello in Jefferson county"—Which on motion of Mr. Fitzpatrick, was read the first and second time by the title, and ordered for a third reading on to-morrow.

Mr. Higginbotham, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act to change the name of Elizabeth Underwood to that of Elizabeth Murhee"—Which was read, and on his motion, made an order of the day for Monday next.

Mr. Fitzpatrick gave notice, that he he will on some future day, introduce a bill, to prevent persons in this Territory from carrying arms secretly.



Mr. Macon gave notice, that he will on a future day, ask leave to introduce a bill, to regulate the Pilotage of St. Marks, and for other purposes.

Mr. President laid before the Council, a message from his Excellency the Governor, as follows:

EXECUTIVE OFFICE,

January 23d, 1835. }

*To the Legislative Council:—*

I have approved, signed, and filed with the Secretary of the Territory, the following Acts:

An act to authorise Mary Jane Fontane to sell and convey certain real estate therein described.

An Act to divorce Many Ann Child and Hale Child.

An Act to divorce Alexander Patterson and Eliza Patterson.

An Act for the relief of John Roberts.

Which was read. JNO. H. EATON.

Mr. Edwards offered sundry Resolutions, which were read, and laid on the table until to-morrow.

Mr. Putnam from the committee on Enrolled Bills, reported as correctly enrolled,

"An Act to divorce James Johnson & Dorathea Johnson"—and

"An Act to repeal an act to incorporate the City of Key West." Also a Resolution touching the appointment of an inspector or surveyor at or near the mouth of Suwannee river"—Which were signed by the President.

Mr. Bellamy from the committee on the State of the Territory, to whom was referred a bill, entitled "An act to establish a ferry across Suwannee river"—Reported said bill with amendments, which was read the second time by its title, and on motion of Mr. Bellamy, the rule of the House being waived, was read the third time and passed. Order that the title be as before stated.

Mr. Bellamy from the committee on the State of the Territory, to whom was referred the Presentments of the Grand Jury for Monroe county—Reported a bill, entitled "An act concerning Jurors in Monroe county, and for other purposes"—which was read by its title, and ordered for a second reading on to-morrow.

Mr. Bellamy from the select committee, to whom the same had been referred,—Reported a bill, entitled "An act to divorce Elizabeth Uptegrove and Green Uptegrove"—Which was read, and ordered for a second reading on to-morrow.

The House again went into committee of the whole, on the bill entitled "An act to provide for the partition of real and personal property in the Courts of Law and

Equity in this Territory." After sometime spent therein, the committee arose, and Mr. Love therefrom, reported said bill to the House, with the first section and enacting clause stricken out—Which report was agreed to by the House.

A Bill entitled "an act to incorporate the St. Augustine wharf company"—was on motion of Mr. Smith, postponed and made the order of the day for Monday next.

The House then adjourned until to-morrow 10 o'clock.

Saturday, January 24th.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. President laid before the House a communication from His Excellency the Governor, as follows:—

EXECUTIVE OFFICE,

January 23d, 1835. }

*To the Legislative Council of Florida.*

I nominate Willis Alston, of the county of Leon, to be commissioner of the Tallahassee fund, he having been appointed to that office during the recess of the Legislative Council.

I nominate John McLemore, A. R. Murray, Robert Gamble jr. A. F. Holmes, Joseph McCants, of Jefferson County to be appraisers in the Union Bank of Florida, they having been appointed during the recess of the Legislative Council. I also nominate M. C. Livingston an appraiser for Madison County, to supply a vacancy in said county; and Wm. Livingston and Jno. Miller of said county, who were appointed in the recess.

JOHN H EATON.

Which was read, and thereupon on motion of Mr. Blount, the House went into secret session thereon, and consented to and confirmed the nominations therein contained—when the door was again opened.

Mr. Fitzpatrick, pursuant to notice, heretofore given, asked and obtained leave to introduce a bill entitled "An Act to prevent any person in this Territory from carrying arms secretly," which on his motion was read by the title and ordered for the second reading on Monday next.

On motion of Mr. Brown, the vote on the bill entitled "An Act to provide for the partition of real and personal property in the Courts of Law and Equity in this Territory," by which the House concurred with the report of the committee of the whole, was reconsidered, and said bill is recommitted to said committee, and made an order of the day for Monday next.

Mr. Duval gave notice that he will, on some future day, introduce a bill to be entitled "An Act more effectually to prevent breaches of trust, and for other purposes."

Mr. Parish presented a resolution, which was read, and laid on the table until Monday.

On motion of Mr. Love, a bill entitled "An Act to revive An Act to provide for the collection of Judgements against free negroes and other persons therein named,"—was referred to the Judiciary Committee.

A bill entitled "An Act to provide for the establishment and organization of the Spring Grove Guards, was again read and made an order of the day for a third reading on Monday next.

A bill entitled "An Act to alter the time of holding the County Courts in Franklin County," was again read, and ordered to be engrossed for a third reading on Monday next.

A bill entitled "an act to incorporate the town of Monticello, in Jefferson county"—was read the third time and passed. Ordered that the title be as above stated.

His Excellency the Governor, transmitted to the House, by his private Secretary, Mr. Wellford, the following communication.

EXECUTIVE OFFICE, }  
24th January, 1835.

*To the Legislative Council of the Territory of Florida.*

I have this day signed and approved "an act to divorce James Johnson and Dorathea Johnson"

I return to you an act to repeal an act, entitled an act to incorporate the City of Key West.

This act provides in case of refusal by the Mayor, Alderman, &c. to pay over certain monies declared to be in their hands, that for each refusal, a judgement *instantly* shall be rendered, and that no appeal from any such judgement shall be taken.

This provision contravenes the first section of an act of Congress passed the 15th of May, 1826, entitled "an act to amend the several acts for the establishment of a Territorial Government in Florida," which declares, that the Superior Courts of the Territory, shall have "appellate jurisdiction of all crimes and offences committed against the laws of the Territory."

Imposing a penalty, as this act does, for omitting the performance of any duty required, constitutes an offence, where the omission takes place. A refusal to pay, is declared to be an offence, punishable by a fine of fifty dollars in a summary way, and the right of appeal, by which any error may be corrected is inhibited. Believing this to be a

violation of the act of Congress referred to, I return the bill, that this objectionable feature may be removed by the Council.

JNO. H. EATON.

Which was read—when on motion of Mr. Fitzpatrick, it is ordered that the House do reconsider the vote taken on the passage of the said bill; and that the same be committed to a committee of the whole House for amendment.

The House went into committee of the whole on the bill entitled "An Act concerning jurors in Munroe County, and for other purposes," and also upon the bill entitled "An Act to repeal an Act entitled an Act to incorporate the City of Key West. Mr. Blount, Chairman, after some time spent therein, the committee arose and the Chairman reported said bills to the House, with amendments—which report was concurred in by the House—when,

On motion of Mr. Blount, the bill entitled An Act concerning jurors in Munroe County and for other purposes, is ordered to be engrossed for a third reading on Monday next; and the bill entitled "An Act to repeal an Act entitled an Act to incorporate the City of Key West," was read the second and third times by its title (the rule being waved) and passed.—Ordered that the title be as before stated.

A bill entitled "An Act to divorce Elizabeth Uptegrove and Green Uptegrove," was read the second and third times (the rule being waived) and put on its passage. The yeas and nays being required thereon by Messrs. Macon and Downing, were yeas Mr. President, Messrs. Bellamy, Blount, Downing, Duval, Fitzpatrick, Higginbotham, Hunter, McNeill, Mitchell, Mooring, Parish, Priest, Walker, and Wood—15. Nays, Messrs. Braden, Brown, Edwards, Love, Macon, McKinnon, Putnam, and Smith,—8. So the said bill is passed—ordered that the title be as before stated.

The House then adjourned until Monday at 12 o'clock.

Monday, January 26.

The House met pursuant to adjournment, a quorum being present, the journal of proceedings on Saturday last, was read.

Mr. Putnam gave notice, that on to-morrow, he will ask leave to introduce the following bills, to wit:

A bill to enable Married Women to convey their real estate of inheritance in this Territory. And a bill to amend several Acts in force in relation to Justices of the Peace.

Mr. Downing gave notice, that he will on some future day, introduce the following Bills:

1. A bill to establish a ferry over Inlington creek. 2. To amend the acts concerning Elections. 3. For the relief of



Wm. G. Davis. 4. For the relief of Mrs. Garey. 5. To abolish the present County Court system, and organize another. 6. To amend the Judiciary proceedings in Civil Cases. 7. To amend the Act relating to Dower: And 8th, To amend the several Acts concerning Divorces.

Also, that he will on to-morrow, ask leave to introduce a bill, to be entitled "An act to incorporate a Southern Life Insurance and Trust Company.

Mr. Downing, pursuant to notice heretofore given, asked and obtained leave, to introduce a bill, entitled an Act to repeal the Revenue Laws of this Territory, and for other purposes:" which was read and laid on the table.

Mr. Bellamy presented the petition of John Burney, and others, praying the establishment of the East Florida Railroad Company—Which was read, and referred to the committee on the State of the Territory.

Mr. Putnam offered a Preamble and Resolutions, touching the School Lands—Which were read and laid on the table until to-morrow

Mr. Bellamy offered the following Preamble and Resolutions:

Whereas, the river Ocala runs through one of the most fertile portions of Florida, and also in two Counties of the State of Georgia; but in consequence of the obstructions to the navigation of said river, at and above the "Natural Bridge," the public lands contiguous to said river are rendered of much less value than they would be, were such obstructions removed, and in consequence, a great portion of the same, has been unsold, and yet remains the property of the United States: and whereas, the settlement, growth, and prosperity of the Territory is thereby greatly retarded: and whereas, upon a survey of said river, by an Engineer of the United States, now on file in the Engineer Department in Washington, it has been estimated that the obstruction, at the Natural Bridge, could be removed by the judicious expenditure of ten thousand dollars: And whereas, in consequence of the General Government, being the principal proprietor of the property which will be benefitted by said work, it is considered that Congress should make the necessary appropriation for the same: And whereas, the people of this Territory memorialized Congress at its session of 1831, for such aid, the same being transmitted to the Delegate from Florida for presentation; and as it is highly important to the citizens resident contiguous to said river, that such improvements in the navigation should be made as early as possible;

Be it therefore Resolved, By the Legislative Council of Florida, that the Delegate in Congress, from said Territory, be requested to use his efforts to have such appropriation made at the present session of Congress, and that the Chief Clerk forward, forthwith, this Preamble, and these Resolutions to him.

And be it further Resolved, That the President of the Council forward another copy thereof to the Delegation in Congress from the State of Georgia, and respectfully call their attention to, and solicit their aid in support of such measure.

Which were read, and on his motion, (the rule being waived) they were adopted.

Mr. Bellamy offered the following Resolutions:

Resolved, That the members of the Legislative Council, entertain a deep sense of the many obligations of the people of Florida, to His Excellency, Wm. P. Duval, late Governor of the Territory, for his long and faithful services, his integrity of purpose, and his devotion to the interest and welfare of the Territory.

Resolved, That the President of the Legislative Council be requested to communicate the foregoing Resolution to his Excellency Wm. P. Duval, with the individual kind greetings of the Members, and with the hope that he may return and spend the evening of his days in the land so long benefitted by his faithful services, and embellished by his hospitality.

Which were read, and on his motion (the rule being waived) they were adopted.

Mr. Bellamy offered a Memorial addressed to Congress, with accompanying Resolutions;" which were read, and laid on the table until to-morrow.

Mr. Downing from the Select committee, to whom was referred the petition of sundry inhabitants of Madison county, praying for authority to hold an election in said county for commissioners to select a county site—Reported unfavourably on said petition, and prayed that the committee be discharged from further consideration of the subject; which report was concurred in by the House, and said committee were discharged.

A bill, entitled "An act authorising John O. Sewall to establish a ferry across Chipola river near Marianna" from the order of the day, was on motion of Mr. Love, laid on the table.

A bill, entitled "An act to change the name of Elizabeth Underwood to that of Elizabeth Murrhee;" was read the second and third times (the rule being waived) and passed. Ordered that the title be as before stated.

Mr. Parish on a former day, offered the following Resolution:

Resolved, That the committee on Banks, be instructed to examine the state and condition of the Union Bank of Florida, and report the same to the Legislative Council, now in Session; which was again read and adopted.

A bill, entitled "An act to incorporate the St. Augustine Wharf Company;" was on motion of Mr. Smith, amended in the ninth section, by adding the following words—no one objecting—"But any wharf erected and established, or to be erected, and established within the limits of the City of St. Augustine, shall be subject to the ordinances and by laws of the corporation of said City; and especially, shall be so subject as to the rates of wharfage charged, or to be charged for the use of any such wharf."—And said bill was, on motion of Mr. Smith, read the third time by its title, and passed. Ordered that the title be as before stated.

A bill, entitled "An act to provide for the establishment and organization of the Spring Grove Guards;" was read the third time by its title, and passed. Ordered that the title be as before stated.

A bill, entitled "An act to prevent any person in this Territory from carrying arms secretly;" was again read, and ordered for the third reading on to-morrow.



A bill, entitled "An act to provide for the partition of Real and Personal Property in the Courts of Law and Equity in this Territory;" was on motion of Mr. Putnam, postponed and made the order of the day for Monday next.

An engrossed bill, entitled "An act to alter the time of holding the County Courts in Franklin county;" was read the third time and passed. Ordered that the title be as before stated.

An engrossed bill, entitled "An act concerning Jurors in Monroe county, and for other purposes;" was read the third time—when on motion of Mr. Downing, said bill is ordered to be recommitted to a committee of the whole House, and made the order of the day for Thursday next; and 25 written copies are ordered.

The House then adjourned until to-morrow 12 o'clock.

## Tuesday, January 27.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Parish gave notice, that he will on to-morrow, introduce a bill, providing for the removal of Justices of the Peace, and for other purposes therein named.

Mr. Downing, pursuant to notice given, on yesterday, asked and obtained leave to introduce a bill, entitled "An act to incorporate the Southern Life Insurance and Trust Company"—Which was read by the title, and on motion of Mr. Bellamy, referred to the committee on Banks.

Also, a bill entitled "An act to establish the County site of Mosquito county"—Which was read, and on motion of Mr. Downing, (the rule being waived) was read the second and third times by its title, and passed. Ordered that the title be as before stated.

Mr. Blount gave notice, that he will on to-morrow ask leave to introduce a bill, to authorise the Alabama, Florida and Georgia Rail Road Company, to continue their road on the line between the State of Alabama and the Territory of Florida, to the waters of Pensacola Bay in said Territory.

Mr. Mitchell gave notice, that he will on some future day, ask leave to introduce a bill, to be entitled "An act to prohibit the Banks in this Territory from issuing notes under five dollars.

Mr. Higginbotham, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled "An act to regulate the driving or bringing into this Territory, neat cattle belonging to persons citizens of the several States"—Which was read by its title, and referred to the committee on the State of the Territory.

Mr. Putnam, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled "An act to enable married women to convey their real estate of inheritance"—which was read, and ordered for a second reading on to-morrow.

Also, a bill entitled "An act to amend the several acts in force, in relation to Justices of the Peace"—which was read, and ordered for a second reading on to-morrow.

Mr. McNeill, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act to make permanent the County Seat of Madison county, and for other purposes"—which was read by its title, and made the order of the day for a second reading on to-morrow.

Mr. Duval, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act more effectually to prevent Breaches of Trust, and for other purposes;" which was read by its title, and on motion of Mr. Putnam, made the order of the day for a second reading on Saturday next, and 100 copies are ordered to be printed.

On motion of Mr. Fitzpatrick, Mr. Downing is added to the committee on Banks.

Mr. Macon presented the petition of Elijah Andrews, praying for authority to sell certain real estate—which was read, and on his motion, referred to a select committee—Messrs. Macon, Duval, and Bellamy were appointed on said committee.

Mr. Edwards presented a Preamble and Resolution on the subject of a Senate—which was read and laid on the table until to-morrow.

Mr. Putnam, from the committee on Enrolled Bills—Reported as correctly Enrolled, "An act to divorce Elizabeth Uptegrove and Green Uptegrove." "An act to revive and amend an Act, entitled an Act, to incorporate the Town of Monticello in Jefferson county." And "An act, to repeal an Act, entitled an Act, to incorporate the City of Key West; which were signed by the President.

Mr. Bellamy, from the committee on the State of the Territory, to whom was referred a letter from J. L. Sullivan, upon the subject of appointing a civil Engineer for the Territory of Florida—Reported unfavourably on said letter, and moved that the committee be discharged from further consideration of the matter; which report was agreed to by the House, and said committee discharged.

Mr. Braden, from the select committee, to whom was referred the petition of James Stewart—Reported a bill, entitled "An act to authorise James Stewart to build a Bridge across the Ocklocknee river; which was read, and ordered for a second reading on to-morrow.

Mr. Putnam on yesterday, offered the Preamble and Resolutions following:

WHEREAS, It is important in all new and growing countries, and especially under a Republican Government, which is based upon the general intelligence and virtue of the community, to provide for the education of the rising generation: And whereas, Florida is almost entirely destitute of the necessary means for that purpose, on account of the sterility of a considerable portion of the sixteenth sections, which have been reserved for the support of schools, and of a large portion of the counties having been granted out to private individuals by the British and Spanish Governments before its transfer to the United States, without any reservation of School Lands:

And whereas, also, owing to the great extent and conformation of our sea-coast, there are, and necessarily must be, a great many fractional townships in this Territory, containing less than sixteen sections—each of which have no School Lands.



Resolved, therefore, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his exertions to procure the passage of a law authorising the selection in such manner as the Governor and Legislative Council shall direct, other lands in place of such sixteenth sections as shall prove to be of little or no value, on account of the sterility of their soil, or any other cause: And also the selection and location of a quantity of lands equal to one thirty-sixth of all the lands which may have been granted out as aforesaid by the said British and Spanish Governments, and of the said fractional townships: and authorising the sale of said lands, and all other lands appropriated for the support of schools therein, in such manner and upon such terms as the Governor and Legislative Council shall direct; the proceeds thereof to be invested in some profitable stock, and the interest to be set apart as a fund for the support of common Schools in this Territory, to be annually apportioned amongst the several counties therein according to the ratio of white population in said counties respectively.

Resolved further, That a certified copy of the foregoing Preamble and Resolution be signed by the President and Chief Clerk of this House, and be transmitted forthwith to the Hon. Jos. M. White.

Which were again read and adopted.

On motion of Mr. Bellamy, the Memorial and Resolution offered by him on yesterday, were laid on the table.

A bill, entitled "An act to prevent any person in this Territory from carrying arms secretly;" was on motion of Mr. Fitzpatrick, referred to a committee of the whole House—The House went into committee thereon, and after some time spent therein, arose; when Mr. Smith, chairman of the committee—Reported said bill to the House with amendments; which were concurred in by the House, and said bill was, on motion of Mr. Fitzpatrick, read the second time, and ordered to be engrossed for a third reading on to-morrow.

The House then adjourned until to-morrow at 11 o'clk.

### Wednesday, January 28.

The House met pursuant to adjournment a quorum being present, the journal of yesterday's proceedings was read.

Mr. Blount pursuant to notice given on yesterday, asked and obtained leave to introduce a bill entitled "an act to authorise the Florida, Alabama and Georgia Rail Road company to continue their road from the boundary line between the State of Alabama and the Territory of Florida to the waters of Pensacola bay"—which was read and referred to the committee on the State of the Territory.

Mr. Parish, pursuant to notice given on yesterday, asked and obtained leave to introduce a bill, entitled an act providing for the removal of Justices of the Peace in certain cases and for other purposes—which was read by the title and ordered for a second reading on Monday next.

On motion of Mr. Duval, Mr. Braden is added to the committee on Banks.

On motion of Mr. Downing, a bill entitled an act to repeal the Revenue Laws, of this Territory, and for other purposes—was taken from the table, and referred to the committee on Finance.

Mr. Hunter gave notice, that he will on some future day, ask leave to introduce a bill to repeal certain sections of an act regulating Executions.

Mr. Higginbotham presented the petition Alberte and Sadler, proprietors of the Wood Stock Steam Saw Mill, praying relief from the operation of the Road Laws, for the term of two years which was referred to a select committee—Messrs. Higginbotham, Smith and Putnam, were appointed thereon.

Mr. Smith from the committee on the Judiciary, to whom was referred a Resolution directing said committee to inquire into the propriety of giving jurisdiction over cases of assaults to Magistrates in this Territory—Reported that he was instructed by the committee to say, that at present, they deemed legislation on this subject inexpedient, and prayed to be discharged from the further consideration of the subject—which report was agreed to, and said committee were discharged.

Mr. Smith, from the Judiciary Committee, to whom was referred the petition of Margaret L. Anderson,—reported a bill to authorise Margaret L. Anderson to sell certain real estate—which was read and ordered for a second reading on to-morrow.—also,

A bill entitled an act, to amend an act, entitled an act to establish a Tariff of Fees, which was reported without amendments, and made the order of the day for a second reading on Tuesday next, and fifty copies are ordered to be printed.

Mr. Fitzpatrick from the committee on Banks, to whom was referred a bill to incorporate the Southern Life Insurance and Trust Company—Reported the same with amendments, which was read by its title, and ordered for a second reading on to-morrow, and 100 copies are ordered to be printed.

Mr. Smith from the Judiciary committee to whom was referred a bill entitled an act to revive an act, to provide for the collector of Judgements against free Negroes and other persons therein named—Reported against the said bill, and moved that the committee be discharged from further consideration thereof; which report was agreed to, and said committee were discharged.

Mr. Putnam from the committee on Enrolled Bills reported as correctly Enrolled, the following bills.

"An act to establish a Ferry across the Suwanee river."

"An act to incorporate the St. Augustine Wharf Company."

"An act to establish the County Site of Mosquito county."

"An act to change the name of Elizabeth Underwood to that of Elizabeth Murree."

"An act to provide for the establishment and organization of the Spring Grove Guards."

"An act to alter the time of holding the County Courts in Franklin county."—And sundry Resolutions; which were severally signed by the President.

Mr. Duval from the committee on claims to whom was referred the petition of Daniel Gantt praying to be remunerated for a runaway slave—Reported, that the committee having



had the same under consideration, deemed the said claim inadmissible, and begged to be discharged from the further consideration thereof. Which report was agreed to; and said committee were discharged therefrom.

Mr. Love, from the committee on Elections, Reported a bill entitled an act to change the time of holding the Election for Members of the Legislative Council, and for other purposes which was read by the title, and ordered for a second reading on to-morrow.

An engrossed bill, entitled an act to provide for building a Jail in the county of Walton, was on motion of Mr. Blount, committed to a committee of the whole.—The House went into committee thereon; after some time spent therein, the committee arose, and Mr. Fitzpatrick, chairman thereof—Reported progress, and asked leave to sit again; which report was agreed to by the House.

A bill entitled an act to enable married women, to convey their real estate of inheritance, was again read, and ordered to be engrossed for a third reading on to-morrow, and 25 written copies were ordered.

A bill entitled an act, to amend the several acts in force, in relation to Justices of the Peace, was again read, and ordered to be engrossed for a third reading on Monday next; and 25 written copies were ordered.

A bill, entitled an act to make permanent the County Seat of Madison county, and for other purposes, was again read, and ordered for a third reading on to-morrow.

A Preamble and Resolution offered on yesterday, by Mr. Edwards was again read, and on motion of Mr. Smith, laid on the table till to-morrow.

A bill, entitled an act to authorize James Stewart to build a Bridge across the Ocklocknee river, was again read; and on motion of Mr. Braden, ordered for a third reading on to-morrow.

An engrossed bill entitled an act to prevent any person in this Territory from carrying arms secretly, was read the third time—The yeas and nays being required on its passage by Messrs Love and Blount, were as follows: Yeas Mr. President, Messrs. Bellamy, Blount, Downing, Du Pont, Fitzpatrick, Higginbotham, Hunter, Love, McNeil, Mitchell, Mooring, Priest, Putnam, Smith, Walker and Wood, 17:—Nays, Messrs. Braden, Brown, Duval, Edwards, Macon, and McKinnon, 6.—So the said bill is passed. Ordered that the title be as before stated.

The House then adjourned until to-morrow 11 o'clock.

### Thursday, January 29.

The House met, pursuant to adjournment,—a quorum being present, the journal of yesterday's proceedings was read.

Mr. Bellamy gave notice, that he will, on some future day, introduce a bill to revive and amend an act to incorporate a company entitled, the Wacissa and Aucilla Navigation Company.

Mr. Smith gave notice that he will, on to-morrow, ask leave to introduce a bill to be entitled, an act authorizing the corporation of the city of St. Augustine to pass all needful laws, and ordinances for the preservation and protection of fruit trees, fruit plants, and vegetables growing or being within the limits of said city.

Mr. Brown, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled, "An Act to amend the several Acts regulating the mode of proceeding on attachments," which was read, and on motion of Mr. Blount, made the order of the day, for a second reading on Saturday next, and 25 written copies are ordered.

On motion of Mr. Putnam, a bill entitled, "An Act more effectually to prevent breaches of trust, and for other purposes," was taken from the orders of the day for Saturday next, and referred to the committee on the Judiciary.

Mr. Bellamy presented the petition of J. Middleton and others, citizens of Amelia Island, praying certain alterations in the road laws, so as to be exempt from working on the main land, which was referred to the committee on the state of the Territory.

Mr. Edward's presented petitions from sundry citizens of Jefferson and Leon counties, praying for the establishment of a new county out of parts of said counties, which said petitions were referred to the committee on the state of the Territory.

Mr. Putnam, from the committee on enrolled bills reported as correctly enrolled, "An Act, to prevent any person in this Territory from carrying arms secretly," which was signed by the President.

Mr. Bellamy from the committee on the state of the Territory, reported a bill, entitled, "An Act, to prevent trespasses and depredations on lands within the jurisdiction of the Territory of Florida," which was read the first time by its title, and ordered for a second reading on Monday next.

Mr. Bellamy from the same committee to whom had been referred a bill, entitled, "An Act to authorise the Alabama, Florida and Georgia Rail Road Company to continue their road from the boundary line between the State of Alabama, and the Territory of Florida to the waters of Pensacola Bay," reported said bill without amendment, which was agreed to, and said bill was read the second time by the title, and ordered for a third reading on Monday next.

Mr. Duval from the committee on claims made the following Report:



The committee on claims, to whom was referred the memorial of R. J. Hackley and others, praying relief for Hillory E. Simmons and others, having had the same under consideration, beg leave to report the bill, entitled, An Act for the relief of Hillory E. Simmons and others, which was read by the title and ordered for a second reading on to-morrow.

Mr. Bellamy from the committee on the state of the Territory, to whom the subject had been referred, reported a bill, entitled, "An Act to incorporate the East Florida Rail Road Company," which was read by its title, and ordered for a second reading on Wednesday next, and 100 copies are ordered to be printed.

Mr. Putnam from the select committee to whom the same had been referred, reported a bill entitled, "An Act for the relief of the owners and proprietors of the Alachua grant," which was read by its title, and ordered for a second reading on Saturday next.

Mr. Smith from the select committee, to whom had been referred the petition of Albert and Sadler, reported a bill, entitled, "An Act for the relief of Edwin R. Albert and Henry Sadler," which was read and ordered for a second reading on to-morrow.

An engrossed bill, entitled, "An Act concerning jurors in Monroe county, and for other purposes," was on motion of Mr. Fitzpatrick laid on the table.

A bill entitled, "An Act to authorise Margaret L. Anderson to sell certain real estate," was read the second time by the title and ordered for a third reading on to-morrow.

A bill to be entitled, "An Act to incorporate the Southern Life Insurance and Trust Company," was on motion of Mr. Bellamy postponed, and made the order of the day for Monday next.

A bill entitled, "An Act to change the time of holding the election for members of the Legislative Council and for other purposes, was read the second time and ordered for a third reading on Tuesday next, and 25 written copies are ordered.

An engrossed bill, entitled, "An Act to provide for building a jail in the county of Walton" was, on motion of Mr. Love, laid on the table.

A bill, entitled, "An Act to make permanent the county seat of Madison county, and for other purposes" was read the third time and passed—ordered that the title be as before stated.

Mr. Edwards on a former day offered a preamble and resolution, which was read, amended and laid on the table until to-morrow.

An engrossed bill, entitled, "An Act to enable married women to convey their real estate of inheritance" was, on motion of Mr. Putnam, postponed and made the order of the day for to-morrow.

A bill, entitled, "An Act to authorise James Stewart to build a bridge across the Ocklockonee river," was read the third time and passed—ordered that the title be as before stated.

The House then adjourned until to-morrow, at 11 o'clock.

### Friday, January 30.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Wood gave notice that he will on some future day, ask leave to introduce a bill, entitled An Act to make all endorsers on notes equally liable.

Mr. Braden gave notice that he will, on some future day, ask leave to bring in a bill to regulate sales at Auction in this Territory.

Mr. Bellamy gave notice, that at some future day, he will ask leave to introduce a bill to be entitled "An Act to incorporate the Union Rail Road Company, in the Territory of Florida."

Mr. Smith, pursuant to notice given on yesterday, asked and obtained leave to introduce a bill entitled "An Act conferring additional powers on the Corporation of the City of St. Augustine," which was read by the title, and on his motion (the rule was waived) said bill was placed amongst the orders for a second reading on to-day.

His Excellency transmitted to the House, by his private Secretary, Mr. Wellford, the following communication.

### EXECUTIVE OFFICE, January 29th, 1835. }

To the "Legislative Council of Florida.

I have this day signed, approved, and filed in the Secretary's Office, the following Acts of the Council.

An Act to incorporate the City of Key West.

An Act to divorce Elizabeth Uptegrove and Green Uptegrove.

An Act to incorporate the St. Augustine Wharf Company.

An Act to establish a ferry across the Suwannee River.

An Act to establish the county seat of Musquito county.

An Act to change the name of Elizabeth Underwood, to that of Elizabeth Murrhee.

An Act to alter the times of holding the County Courts in Franklin County.

An Act to revive and amend An Act, entitled An Act, to incorporate the Town of Monticello, in Jefferson County.

An Act to provide for the establishment and organization of the Spring Grove Guards.

Which was read.

JOHN H EATON.

Mr. Love presented a petition of Robert Forbes, for relief, as therein expressed—which was read and referred to the committee on Finance.

Mr. Putnam, from the committee on Enrolled Bills, reported as correctly enrolled, "An Act to make permanent the County seat of Madison County, and for other purposes"—and "An Act to authorize James Stuart to build a bridge across the Ocklocknee river, which were signed by the President.

Mr. Macon, from the Select Committee, to whom the matter had been referred, reported a bill entitled "An Act for the relief of Elija Andrews," which was read and ordered for a second reading on to-morrow.

A bill entitled "An Act for the relief of Hillory E. Simmons and others," was again read and ordered to be engrossed for a third reading on to-morrow.

A bill entitled "An Act for the relief of Edwin R. Alberti and Henry Sadler," was again read and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill entitled "An Act to authorize Margaret L. Anderson to sell certain real estate," was read the third time and passed—ordered that the title be as before stated.

On motion of Mr. Blount, the House went into Committee of the whole on certain Resolutions offered by Mr. Edwards on a former day—after some time spent therein the committee arose, and Mr. Dupont, chairman thereof, reported said resolutions as amended. The Yeas and Nays being required by Messrs. Braden and Blount, on agreeing to the report of the committee, were as follows:—Yeas, Mr. President, Messrs. Blount, Brown, Dupont, Fitzpatrick, Higginbotham, Holmes, Hunter, Love, McKinnon, McNeil, Mitchell, Mooring, Priest, Putnam, Smith, and Wood—17. Nays, Messrs. Braden, Duval, Edwards, Macon, and Walker—5. So the said report was agreed to.

On motion of Mr. Blount, the said resolutions, in the words following, to wit:

Mr. Edwards offers the following resolutions: Whereas the impolicy of confiding to a single house of representatives the power of framing laws for large communities of varied interests, is no longer a matter of theory or speculation. Its evils are so fully demonstrated by the unerring test of experience as to be universally admitted,—Rashness and imprudence of legislation, endless change of statutory enactments, general confusion and chaos of the law, and perpetual fluctuation of the public policy form part only of the acknowledge and deplorable consequences growing out of the action of a single legislative assembly, annually elected and subject only to the check of the executive veto.

The experiment now being made in Florida adds another confirmation to the axiom in political science, established by past ages and actual examples.—The total failure of the scheme to secure a happy social organization, and a wise, and wholesome code of laws is obvious to every man in the Territory, and that our fellow citizens should be generally dissatisfied with the existing system is neither wonder nor dispute. The people assiduously desire a reform which will assimilate their government in a most important feature to those under which

most of them were born and educated, and which would promise them a like security for the engagements of a system of steady and beneficial legislation.

Be it therefore resolved, That our Delegate, in Congress, be requested to urge upon the consideration of that body, the importance of constituting a senatorial branch in our Territorial Legislature, to consist of at least three Senators from the Eastern, three Senators from the Middle, three Senators from the Western and one Senator from the Southern Judicial District of Florida.—Were adopted.

An engrossed bill entitled "An Act to enable married women to convey their real estate of inheritance," was read the third time and passed—ordered that the title be as before stated.

An engrossed bill entitled "An Act to authorize Margaret L. Anderson to sell certain real estate," was read the third time and passed—ordered that the title be as before stated.

A bill entitled "An Act conferring additional powers on the Corporation of the City of St. Augustine," was read the second time and ordered to be engrossed for a third reading on to-morrow.

The House then adjourned until to-morrow 10 o'clock.

Saturday, January, 31.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Putnam gives notice that on Monday he will ask leave to introduce a bill providing for county expenses and for other purposes.

Mr. Downing, pursuant to notice heretofore given asked and obtained leave to introduce the following bills: A bill, entitled, "An Act to amend the several laws now in force concerning dower," and a bill, entitled, "An Act to reduce into one the several Acts concerning county courts, which were read by their titles, and referred to the committee on the Judiciary.

Mr. Dupont gave notice that he will, at an early day, ask leave to introduce a bill to amend the Act in relation to mills.

On motion of Mr. Fitzpatrick, an engrossed bill, entitled; "An Act concerning jurors, in Monroe county, and for other purposes," was taken from the table, and placed amongst the orders for a third reading on Monday next.

Mr. Blount presented a memorial of the Union Bank of Florida, praying certain alterations in their charter," which, on his motion was referred to the committee on Banks.

Mr. Duval offered a resolution, which was read and laid on the table until Monday.

On motion of Mr. Blount, certain resolutions heretofore offered by Mr. Edwards, on the subject of the election of Governor by the people of Florida, was laid on the table.



A bill, entitled, "An Act for the relief of the owners, and proprietors of the Alachua Grant, was read the second time, and ordered for a third reading on Monday next.

A bill, entitled, "An Act to amend the several Acts regulating the mode of proceeding on attachments" was read the second time, and made the order of the day for a third reading on Wednesday next.

A bill, entitled, "An Act for the relief of Elijah Andrews," was read the second time and ordered for a third reading on Monday next.

An engrossed bill, entitled, "An Act for the relief of Hillory E. Simmons and others" was read the third time and rejected.

An engrossed bill, entitled, "An Act for the relief of Edwin R. Alberti and Henry Sadler," was read the third time, and passed—ordered that the title be as above stated.

An engrossed bill, entitled "An act conferring additional powers on the corporation of the city of St. Augustine" was read the third time and passed—ordered that the title be as above stated.

On motion of Mr. Blount the vote rejecting the bill entitled, "An Act for the relief of Hillory E. Simmons," was ordered to be reconsidered and said bill is placed amongst the orders of the day for Wednesday next.

The House then adjourned until Monday next, at 2 o'clock, P. M.

### Monday, February 2.

The House met pursuant to adjournment, a quorum being present, the journal of last Saturday's proceedings was read.

Mr. Bellamy gave notice that he will on some future day, introduce a bill to allow Mary Johnson to sell certain real estate in this Territory.

Mr. Bellamy, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An Act to incorporate a company entitled the Wacissa and Aucilla Navigation Company," which was read by the title and ordered for a second reading on to-morrow.

Also a bill entitled "An Act to incorporate the Union Rail Road Company in the Territory of Florida," which was read by its title and referred to the committee on the State of the Territory.

Mr. Putnam, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An Act to provide for county expenses and for other purposes," which on his motion was read by the title, and referred to a Select Committee, Messrs. Putnam, Fitzpatrick, and Bellamy, were appointed thereon.

On motion of Mr. Fitzpatrick, Mr. Parish was added to the Committee on Banks.

Mr. Hunter, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An Act to repeal certain Sections of An Act, regulating executions," which was read and referred to the Judiciary Committee.

Mr. Parish presented the petition of Joseph B. Watts, praying for relief as therein expressed, which was referred to the Committee on Claims.

Also a petition of John Gamble, praying to be divorced from his wife Sarah, which was referred to a Select Committee—Messrs. Parish, Downing, and Mitchell were appointed thereon.

Mr. Bellamy presented the petition of Martha Ann Redman, praying to be divorced from her husband Elisha Redman, which on his motion was referred to a Select Committee—Messrs. Parish, Downing, and Mitchell, were appointed thereon.

Also the petition of W. J. Mills and others, praying the establishment of a Bank at Jacksonville, which, on his motion was referred to the Committee on Banks.

Also the petition of Abram Smith, praying the establishment of a ferry across St. Mary's river, which was referred to the Committee on the State of the Territory.

Mr. Smith, from the Judiciary Committee, to whom was referred a bill entitled "An Act more effectually to prevent breaches of trust and for other purposes," reported against said bill, and moved that the Committee be discharged from its further consideration, which report was agreed to, and said Committee discharged therefrom.

Mr. Smith from the Committee on the Judiciary, reported the following bills: a bill entitled "An Act to amend An Act to provide for the collection of rents." A bill entitled "An Act in relation to fugitives from justice;" and a bill entitled "An Act to repeal certain Acts, and parts of Acts, therein named," which were read by the titles, and ordered for a second reading to-morrow, and 26 copies of each of said bills are ordered to be written.

Mr. Putnam, from the Committee on Enrolled Bills, reported as correctly enrolled:

"An Act for the relief of Edwin R. Alberti and Henry Sadler." "An Act conferring additional powers on the corporation of the City of St. Augustine." "An Act to enable married women to convey their real estate of inheritance." And "An Act to authorise Margaret L. Anderson to sell certain real estate," which were respectively signed by the President.

A bill entitled "An Act to provide for the partition of real and personal property in the courts of law and equity in this Territory," from the orders of the day was, on motion of Mr. Putnam, postponed until to-morrow.

A bill entitled "An Act providing for the removal of Justices of the Peace in certain cases and for other purposes," was again read, and ordered to be engrossed for a third reading on to-morrow.

A bill entitled "An Act to prevent trespasses and depredations on land within the jurisdiction of the Territory of Florida," was again read and ordered for a third reading on to-morrow.

An engrossed bill entitled "An Act to amend the several Acts in force in relation to Justices of the Peace," was on motion of Mr. Bellamy, postponed until to-morrow.

A bill entitled "An Act to authorize the Alabama, Florida, and Georgia Rail Road Company to continue their road from the boundary line between the State of Alabama and the Territory of Florida to the waters of Pensacola Bay," was on motion of Mr. Blount, postponed until to-morrow.

His Excellency the Governor transmitted to the House the following Message, by Mr. Wellford, his private Secretary:

### EXECUTIVE OFFICE,

Feb 2d, 1835.

To the Legislative Council of the Territory of Florida:

I have approved and signed "An act to prevent any person in this Territory from carrying arms secretly." And "An act to authorize James Stewart to build a bridge across the Ocklocknee river." And have disapproved "An act to make permanent the County Seat of Madison county, and for other purposes."

This Act is imperfect in its details. There is no authority given to the judge to appoint a clerk, to preserve the records of the Court; nor is the clerk of Jefferson, where the business for Madison county is now transacted, required and directed to transfer the suits of any, which now remain upon his docket.

But a more material objection arises. By referring to the Election returns, on file in this office, for a Delegate to Congress in 1832, it appears that only seventy votes were taken within the county; and at the Elections of last September for the Legislative Council, only sixty-five votes were taken. In this Territory, all residents, who are of full age can vote; but on juries, none but free, or householders, can serve; of course there must be fewer of the latter than of the former.

Thus to transfer the jurisdiction, where it at present attaches, from Jefferson to Madison, may have the effect, to render your criminal code entirely nugatory. When the grand and traverse jury—the number of peremptory challenges which are allowed, together with those who may have formed or expressed opinions, are calculated, the computation may most likely exceed the number of impartial triers which the Courts can furnish. Hence offenders might avoid a trial, unless the venue were changed. But as this is a privilege to the prisoner, not the government, it follows, that no change could take place, but at the defendant's application. This, in highly aggravated cases, would not be asked; and hence, at his mere pleasure, the ends and object of the laws and of justice, would be put aside; for, by a statute of November, 1828, pre-

sumed yet to be in force, it is declared, if a prisoner "be not tried at, or before the third term, after his examination, he shall forever be discharged from the crime."

JNO. H. EATON, Governor of Florida.

And thereupon, on motion of Mr. Bellamy, the bill entitled "An Act to make permanent the County seat of Madison County and for other purposes," is ordered to be reconsidered, and is referred to the Committee on the State of the Territory.

On motion of Mr. Downing, the House resolved itself into a Committee of the Whole on the bill entitled "An Act to incorporate the Southern Life Insurance and Trust Company." Mr. Bellamy in the Chair, after some time therein, the Committee arose, and the Chairman reported said bill to the House with amendments, which were agreed to by the House, and on motion of Mr. Downing, said bill was read a second time by its title, and ordered to be engrossed for a third reading on to-morrow.

Samuel Stansbury, Esq. a member elect from the County of Hillsborough appeared, was qualified, and admitted to take his seat in this House.

The House then adjourned until to-morrow 11 o'clock.

Tuesday, February 3.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Duval, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, entitled "An act to secure Mechanics, and others, payment for labour done, and materials furnished in the erection of buildings in the Territory of Florida"—which was read by the title, and referred to the Judiciary committee.

Mr. Wood gave notice, that he will on some future day, ask leave to introduce a bill, entitled "An act to constitute and regulate a Board of Wardens for the Port of Apalachicola.

Mr. Holmes gave notice, that he will on some future day, ask leave to introduce a bill, to revive an Act to incorporate a company, to be called the St. Andrews and Chipola Canal Company.

Mr. Wood, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, to make sureties equally liable in certain cases"—which was read, and referred to the Judiciary committee.

Mr. Love presented the petition of sundry citizens of Quincy, in Gadsden county, on the subject of Mill-dams; which, on his motion, was referred to a select committee; Messrs. Love, Mooring and Macon, were appointed thereon.



An engrossed bill, entitled "An act concerning Jurors in Monroe county, and for other purposes"—was read the third time and put on its passage,—the yeas and nays being required thereon by Messrs. Love and Du Pont—were yeas Mr. President, Messrs. Bellamy, Blount, Downing, Edwards, Fitzpatrick, Higginbotham, Priest, Putnam, and Wood, 10. Nays, Messrs. Braden, Brown, Du Pont, Duval, Holmes, Hunter, Love, Macon, McKinnon, McNeill, Mooring, Parish, Smith, and Walker, 14. So the said bill is lost.

Mr. Daval on a former day, offered the following Resolution, to wit:

Resolved, That a committee be appointed to call upon James D. Westcott, Esq., and enquire of him how far he has progressed with the compilation of the Laws of the Territory, and to examine and report on the same to this House. Which was again read—when on motion of Mr. Downing, the following substitute for said resolution was offered and accepted by Mr. Duval:

Resolved, That a select committee be appointed to enquire into the state of the Compilation of the Laws of the Territory, authorised by Acts of the Legislative Council, passed in the years 1831 and 1834, with authority to send for persons and papers. Which was read and adopted—Messrs. Duval, Smith & Blount, were appointed thereon.

A bill, entitled "An act for the relief of the owners and proprietors of the Alachua grant;" was on motion of Mr. Putman, laid on the table until to-morrow.

A bill, entitled "An act for the relief of Elijah Andrews," was read the third time, and passed. Ordered that the title be as above stated.

A bill, entitled "An act, to amend an act, entitled an act, to establish a Tariff of Fees," was referred to a committee of the whole House—The House went into committee thereon; Mr. Holmes in the Chair; after some time spent therein, the committee arose, and the Chairman reported progress, and asked leave to sit again; which report was concurred in.

Mr. President laid before the House the following letter:

HON. JNO. WARREN,

*President of the Legislative Council:*

Sir—I am sick and unable to attend the Council—should any bill of importance be taken up I am anxious my vote should be recorded on its passage, hence I would ask the indulgence of a committee to take my vote, at my room, on any such bill.

Very respectfully your obdt. servant.

S. H. MITCHELL

February 3d, 1835.

Which was read, and thereupon, Mr. Downing moved that it be considered as the sense of this House, that upon any important question decided by the House, during the absence of a member kept away by sickness, a committee shall be appointed to wait on such sick member, and receive his vote, if he shall choose to vote, and report the same to the House,—which vote so taken, shall be as operative, as if such sick member were personally present to vote in the House; and in case of taking the yeas and nays, shall be recorded in like manner, as if such member were present in the House and voting. The yeas and nays being required on said motion by Messrs. Love and Downing—were yeas Mr. President, Messrs. Blount, Brown, Downing, Fitzpatrick, Higginbotham, Holmes, Hunter, McNeill, Parish, Priest, Putnam, Smith, and Wood, 14. Nays, Messrs. Bellamy, Braden, Du Pont, Edwards, Love, Macon, McKinnon, Mooring, Stansbury, and Walker, 11. And so said motion was carried.

A bill, entitled "An act to revive and amend an Act, entitled an Act to incorporate a company entitled the Wacissa and Aucilla Navigation Company," was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The following Bills were postponed, and made the order of the day for to-morrow:

A bill, entitled "An act to change the time of holding the Election for members of the Legislative Council and for other purposes."

A bill, entitled "An act to amend an Act, entitled an Act, to provide for the collection of rents."

A bill, entitled "An act in relation to fugitives from justice."

A bill, entitled "An act to repeal certain acts and parts of acts therein named."

A bill, entitled "An act providing for the removal of Justices of the Peace in certain cases, and for other purposes." And

A bill, entitled "An act to prevent trespasses and depredations on lands, within the jurisdiction of the Territory of Florida."

The following Bills are postponed, and made the order of the day for Thursday next:

A bill, entitled "An act to provide for the partition of of real and personal property in the Courts of Law and Equity in this Territory:" And

A bill, entitled "An act to amend the several acts in force in relation to Justices of the Peace."

A bill, entitled "An act to incorporate the Southern Life Insurance and Trust Company," was read the third

time by the title—the yeas and nays being required by Messrs. Bellamy and Blount, were yeas Mr. President, Messrs. Blount, Brown, Fitzpatrick, Higginbotham, Hunter, McNeill, Mitchell, Parish, Priest, Putnam, Smith, Stransbury, and Wood, 15. Nays, Messrs. Bellamy, Braden, Du Pont, Duval, Edwards, Holmes, Love, Macon, McKinnon, Mooring, and Walker, 11. So the said bill is passed. Ordered that the title be as before stated. The House then adjourned until to-morrow at 11 o'clock.

### Wednesday, February 4.

The House met pursuant to adjournment—a quorum being present, the journal of yesterdays proceedings was read.

It is ordered, on motion of Mr. Smith, no one objecting, That the bill, passed yesterday, entitled, An Act to incorporate a Southern Life Insurance and Trust Company, be amended, in the 9th sec. by inserting in the 12th line, the words (fifteen) instead of thirty, as it reads in the printed copy; and also, that words “Governor or” be inserted in the 21st sec. of said bill, between the 11th and 12th words of the 4th line of said sec. and that the enrolling clerk do enrol said bill with said words so inserted.

Mr. Bellamy gives notice that he will at a future day ask leave to introduce a bill to amend the charter of the Florida Peninsula and Jacksonville Rail Road Company.

Mr. Parish gave notice that he will on some future day introduce a bill to authorise John Wamble to establish a ferry across the Ocilla river at or near the Flat Ford.

Mr. Smith offered certain resolutions, which were read and laid on the table until to-morrow.

Mr. Putnam from the Select Committee to whom had been referred a bill, entitled, An Act to provide for county expenses, reported thereon without amendment, was again read and ordered for a third reading on Friday next, and 100 copies are ordered to be printed.

Mr. Parish from the Select committee to whom were referred certain petitions for divorce, reported the following bills: a bill, entitled, An Act to divorce John Gamble from his wife Sarah Gamble, and, a bill, entitled, An Act to divorce Martha Redman from her husband Elisha Redman, which were read severally by their titles, and ordered for a second reading on Friday next.

On motion of Mr. Fitzpatrick the rule of the House is waived, and leave is given him to give the following notices, to wit: that he will, on some future day, introduce a bill, to repeal the Act of the 15th of February 1833, amendatory of the several Acts concerning executions, and attachments;

Also a bill to alter the time of holding the Term of the county courts, in Monroe county;

Also a bill to define the jurisdiction of the Territory of Florida in Monroe county;

Also a bill to repeal the act passed 15th of February, 1834, to provide for the appointment of pilots, and regulating the rates of pilotage at Key West.

A bill entitled, An Act to authorize the Alabama, Florida and Georgia Rail Road Company to continue their road from the boundary line between the State of Alabama and the Territory of Florida to the waters of Pensicola Bay, was on motion of Mr. Blount postponed until to-morrow; A bill entitled, “An Act to incorporate the East Florida Rail Road company,” was postponed until to-morrow;

A bill entitled, An Act to amend the several Acts regulating the mode of proceeding on attachments, was referred to the committee of the Whole. The House went into committee thereon and after some time spent therein, the committee arose, and Mr. Dupont chairman reported said bill to the house without amendment, which report was concurred in, and on motion of Mr. Smith, said bill is referred to the judiciary committee.

A bill, entitled, “An Act for the relief of Hillory E. Simmons and others was, on motion of Mr. Downing laid on the table.

A bill, entitled, “An Act to amend An Act, entitled, An Act to establish a tariff of fees” was again taken up in committee of the Whole. After some time spent therein, the committee arose, and Mr. Blount, chairman thereof, reported said bill to the House, as amended, which was agreed to by the House; said bill was then read the second time by the title, and ordered to be engrossed for a third reading on to-morrow.

A bill entitled, “An Act for the relief of the owners, and proprietors of the Alachua grant,” was referred to a committee of the whole House; the House resolved itself into committee thereon—and after some time spent therein the committee arose, and Mr. Bellamy, chairman, thereof, reported progress, and asked leave to sit again, which report was agreed to by the House, and 26 copies of said bill with a substitute therefor are ordered to be written.

An engrossed bill, entitled, “An Act to revive and amend An Act, entitled An Act to incorporate a company entitled the Wacissa and Aucilla Navigation Company” was read the third time and passed—ordered, that the title be as above stated.



The following bills were laid on the table and made the order of the day for to-morrow:

A bill entitled, "An Act to change the time of holding the election for members of the Legislative Council and other purposes," and a bill entitled, "An Act to amend An Act entitled An Act to provide for the collection of rents.

A bill entitled "An Act in relation to fugitives from justice" was read the second and third times, the rule being waved, and passed—ordered, that the title be as above stated.

A bill entitled, "An Act to repeal certain Acts and parts of Acts therein named" was referred to a committee of the whole House. The House went into committee thereon; after some time spent therein, the committee arose, and Mr. Love chairman thereof, reported progress, and asked leave to sit again, which report was agreed to by the House.

The House then adjourned until to-morrow, at 11 o'clock.

### Thursday, February 5.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Downing gave notice that he will ask leave to introduce a bill to be entitled An Act to enable the guardian of the infant children and heirs of John Andres, decd. to convey a certain estate therein mentioned.

Mr. Parish, moved that the vote taken on the passage of An Act incorporating the Southern Life Insurance and Trust Company be reconsidered. The yeas and nays being required on said motion by Messrs. Smith and Blount, were, yeas Messrs. Bellamy, Braden, Brown, Dupont, Duval, Holmes, Hunter, Love, Macon, McKinnon, Mooring, Parish, and Walker—13. Nays, Mr. President, Messrs. Blount, Edwards, Fitzpatrick, Higginbotham, McNeil, Mitchell, Priest, Putnam, Smith, Stansbury, and Wood—13. So said motion is lost.

Mr. Fitzpatrick gave notice that he will introduce a bill to fix the seat of the Territorial Government for the year 1836, and to hold the next session of the Legislative Council at St. Augustine.

Also a bill to incorporate the South Florida Land Company.

Mr. Wood gave notice that he will on some future day introduce a bill to amend an Act incorporating the town of Apalachicola.

Mr. Smith moved that the report of the Judiciary Committee heretofore made on a bill entitled "An Act more

effectually to prevent breaches of trust and for other purposes," be reconsidered, and that said bill be now read the first time by its title, which motion prevailed, no one objecting; and said bill was read by the title and ordered for a second reading on to-morrow.

Mr. Fitzpatrick, pursuant to notice heretofore given, asked and obtained leave to introduce the following bills: a bill entitled "An Act to alter the time and manner of holding the county Courts in Monroe county and for other purposes," and a bill entitled "An Act to repeal An Act to provide for the appointment of Pilots and regulating the rates of Pilotage at Key West, and for other purposes," which were read by their respective titles, and ordered for a second reading on to-morrow.

Mr. Blount gave notice that he will, on to-morrow, ask leave to introduce a bill to authorise Samuel C. Keyser to establish a ferry at the mouth of Escambia river.

Mr. Duval presented the petition of John Ray, praying for relief as therein expressed, with accompanying certificates, which on his motion were referred to a select committee—Messrs. Duval, Hunter, and Parish, were appointed thereon.

Mr. Duval from the committee on claims made the following report:

The committee on claims who were charged with the examination of the accounts of Elias B. Gould, having had the same under consideration, beg leave to Report, That so far, as they were satisfied that, the individuals taken before the magistrate for examination, were either discharged by him, or acquitted upon trial, or unable to pay the cost of prosecution, so far do they recommend the allowance of the claim. The other items of the account have been rejected as not included under either of those classes. Your committee accordingly beg leave to report the bill which was referred to them, with amendments.

Which was read, and agreed to by the House, and thereupon the bill for the relief of Elias B. Gould, was read and ordered for a second reading on to-morrow.

A bill entitled "An Act providing for the removal of Justices of the Peace in certain cases," was read the third time and passed—ordered that the title be as before stated.

A bill entitled "An Act to prevent trespasses and depredations on lands, within the jurisdiction of the Territory of Florida," was read the third time. The yeas and nays being required on its passage, by Messrs. Holmes and Smith, were, yeas, Mr. President, Messrs. Bellamy, Blount, Braden, Brown, Downing, Dupont, Duval, Ed.

wards, Fitzpatrick, Higginbotham, Holmes, Hunter, McKinnon, McNeil, Parish, Priest, Putnam, Smith, and Wood—20. Nays, Messrs. Love, Macon, Mooring and Walker—4. So the said bill is passed—ordered that the title be as before stated.

A bill entitled "An Act to provide for the partition of real and personal property in the courts of law and equity in this Territory," was, on motion of Mr. Putnam, indefinitely postponed.

A bill entitled "An Act to amend the several Acts in force, in relation to Justices of the Peace," was referred to a committee of the whole House. The House went into committee thereon, after some time spent therein the committee arose, and Mr. Blount, Chairman thereof, reported said bill to the House with the enacting clause stricken out, which was agreed to.

A bill entitled "An Act to incorporate the East Florida Rail Road Company," was referred to a committee of the whole House. The House went into committee thereon, after some time spent therein the committee arose, and Mr. Wood, Chairman thereof, reported progress, and asked leave to sit again, which report was agreed to by the House.

Mr. Smith, on a former day, offered the following resolutions, to wit:

Be it Resolved, By the Legislative Council of the Territory of Florida, that the increased, and rapidly increasing population, and the great physical and commercial advantages of the county of Duval in East Florida, entitle it to an additional Representative in said Council.

Be it further Resolved, That the Delegate of this Territory in the Congress of the United States, be requested, and he is hereby requested, to urge and procure the passage of a law authorising such additional Representative.

Be it also further Resolved, That a copy of these Resolutions, duly certified, be forth with transmitted to the said Delegate.

Which were again read, and adopted.

A bill entitled "An Act to authorise the Alabama, Florida, and Georgia Rail Road Company, to continue their Road from the boundary line between the State of Alabama and the Territory of Florida to the waters of Pensacola Bay, was read the third time by the title, and passed—ordered that the title be as above stated.

The House then adjourned until to-morrow 10 o'clock.

Friday, February 6.

The House met pursuant to adjournment—a quorum being present, the journal of yesterday's proceedings was read.

Mr. Downing, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled, An Act to enable the guardian of the infant children and heirs of John Andres, dec'd. to convey certain real estate therein mentioned, which was read by the title, and ordered for a second reading on to-morrow.

Mr. Stansbury moved that the rule be waived, that he may have leave to introduce certain bills without previous notice, which was agreed to; and thereupon, he introduced the following bills:—a bill entitled, "An Act to alter the place of sale under executions, issuing out of the Superior courts in certain cases;" and a bill entitled, "An Act, requiring county judges in all cases to forward copies of orders for elections to the Governor, which were severally read by the title, and ordered for a second reading on to-morrow.

Mr. Brown gave notice that he will, on a future day, ask leave to introduce a bill to be entitled, "An Act to provide for holding two terms of the superior court annually in Columbia county, at the county site of the same.

Mr. Wood gave notice that he will on to-morrow, ask leave to introduce a bill entitled, "An Act to incorporate the late Wimico and St. Joseph's Bay Canal Company," also, a bill entitled, "An Act limiting the term of appointment of auctioneer, and for other purposes."

Mr. Bellamy gave notice that he will, on some future day, introduce a bill to establish a ferry on the river St. John's.

Mr. Priest gave notice that he will, on some future day, ask leave to introduce a bill providing for holding two terms of the superior court in Alachua county.

Mr. Edwards gives notice of the introduction of the following bills:—a bill to amend the act appointing and regulating patrols; a bill to cause owners of cotton gins to have them inclosed; and a bill to amend the act appointing commissioners and regulating roads.

Mr. Fitzpatrick, pursuant to notice heretofore given, asked and obtained leave to introduce the following bills:—a bill entitled, "An Act to fix temporarily the seat of government, and to provide for holding the next session of the Legislative Council of this Territory, and a bill entitled, "An Act to incorporate the South Florida Land Company," which were respectively read by the title and ordered for a second reading on to-morrow, and one hundred printed copies of the latter are ordered.

On motion of Mr. Fitzpatrick, the 38th standing rule of the House, was so amended as to permit bills to be introduced until Wednesday next.



Mr. Bellamy asked and obtained leave, pursuant to notice heretofore given, to introduce a bill entitled, "An Act to authorise Mary Johnson and John A. Cuthbert to dispose of certain real estate, belonging to the estate of the late Jeremiah Johnson, which was read and ordered for a second reading on to-morrow; also a bill to authorise John Wamble to establish a ferry across the Ocilla river, which was read the first time and ordered for a second reading on to-morrow.

Mr. Dural pursuant to previous notice, asked and obtained leave to introduce a bill entitled, "An Act to regulate the slaves of this Territory, and for other purposes" which was read, ordered for a second reading on to-morrow, and 100 copies ordered to be printed.

Mr. Mitchell, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act to prohibit the circulation of Bank notes of a less denomination than five dollars," which was read, and ordered for a second reading on to-morrow.

Mr. Mitchell gave notice that he will, on to-morrow ask leave to introduce a bill entitled, "An Act to prevent slaves from carrying arms and for other purposes."

On motion of Mr. Duval the vote given on yesterday indefinitely postponing a bill entitled, "An Act to provide for the partition of real and personal property in the courts of law and equity in this Territory, is ordered to be reconsidered, and said bill is placed among the orders of the day for to-morrow.

Mr. Wood, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act to amend the several acts incorporating the town of Apalachicola, which was read, and ordered for a second reading on Monday next.

Mr. Bellamy presented the petition of James Hall, which was read and referred to a Select Committee—Messrs. Bellamy, Downing, and Smith were appointed thereon.

Mr. Holmes presented the petition of Lydia H. Star, praying a divorce, which was referred to a Select Committee—Messrs. Holmes, Downing and Blount were appointed thereon.

Mr. Wood offered the following resolutions:

Be it resolved by the Legislative Council of the Territory of Florida, That the increased and rapidly increasing population and the great physical and commercial advantages of the county of Franklin, in West Florida, entitle it to an additional representative in said Council.

Be it further resolved, That the delegate of this Territory, in the Congress of the United States be requested,

and he is hereby requested to urge and procure the passage of a law, authorizing such additional representative.

Be it further resolved, That a copy of these resolutions duly certified be forthwith transmitted to the delegate which were read and the rule being waived, said resolutions were put on their passage and adopted.

Mr. McKinnon offered the following Preamble and Resolutions:

Whereas, The county of Walton has not received the advantage of a pre-emption to a quarter section of land, as given to other Counties in this Territory for the County Seat, and to build court-houses and jails: And whereas the principal good lands in said county are now entered or otherwise appropriated: And whereas, there is now by law, a superior court held in said county, and owing to the sparse population thereof, that it will be too burthensome for the citizens therein to build a suitable court-house and jail for the accommodation of said superior and county courts, by way of taxation:

Be it therefore Resolved by the Legislative Council of the Territory of Florida, That our delegate in Congress be requested, to endeavour to obtain from Congress, a donation of a section of land to be located by the county authorities, upon any public land in said county, not otherwise appropriated, to aid them in building a court-house and jail in said county.

Be it further Resolved, That a copy of the foregoing Preamble and Resolutions be signed by the President, and certified by the Chief Clerk of this House, and forthwith transmitted to the Hon. Jos. M. White.

Which were read, and the rule being waived, put on their passage, and adopted.

Mr. Bellamy, from the committee on the state of the Territory to whom the subject was referred, reported a bill, entitled, "An Act to authorise Abraham Smith to establish a ferry across Bell's river and St. Mary's river in Nassau county, which was read and ordered for a second reading on Monday next.

Also a bill entitled, "An Act to make permanent, the County site of Madison county and for other purposes," which was read and ordered for a second reading on Monday next; also, a bill entitled "An Act for the relief of certain inhabitants of Amelia Island; and a bill entitled, "An Act to change the northern boundary line of Alachua county, which were read and ordered for a second reading on Monday next.

Mr. Duval from the committee on Claims, to whom the matter was referred, made the following Report:

K



The committee of Claims, to whom was referred the claim of Joseph B. Watts—Report,

That the claim of said Watts is for the reward of \$200 offered by the Acting Governor of Florida, for the apprehension of his own slave Ben, accused of the murder of another negro. The committee have examined into the case and heard evidence of disinterested persons, whom they called before them for information, and it appears that after the homicide was committed, there is strong reason to suspect said negro was secretly harboured by his master; and the day after the reward was published, was produced by him on demand to the marshal, who was in search of him. The committee do not consider this a case within the spirit of the law allowing rewards, nor entitled to a favourable consideration on principles of equity, justice, reason, morality, or sound policy. They therefore ask to be discharged from the further consideration of the claim.

SAM'L. H. DUVAL, Chairman.

Which was read and agreed to.

Mr. Putnam from the committee on Enrolled Bills—Reported as correctly Enrolled, a Resolution, touching Representation. And "An act to authorise the Alabama, Florida and Georgia Rail Road Company to continue their road from the line between the State of Alabama and Territory of Florida, to the waters of Pensacola Bay"—which were severally signed by the President.

Mr. Duval, from the Select committee, to whom the subject had been referred—Reported that the memorial of John A. Rea, in relation to the escheated estate of William Pritchard, deceased, is supported by the depositions of John Felt, Allen W. Coleman, Joseph West, and John Rea, sen'r. And also report a bill, entitled "An act for the release of the claim of this Territory to the escheated estate of William Pritchard, deceased, to John A. Rea, as directed by a majority of said committee;" which report was agreed to, and said bill was read and ordered for a second reading on to-morrow.

The House went into committee of the whole on a bill entitled "An act for the relief of the owners and proprietors of the Alachua Grant;" after some time spent therein, the committee arose; and Mr. Bellamy, chairman thereof, reported to the House a substitute, entitled "An act for the relief of grantees and claimants of lands in certain cases;" which report was agreed to, and said bill is ordered for a second reading on to-morrow.

The committee of the whole House again took under consideration a bill, entitled "An act to incorporate the East Florida Rail Road Company;" after some time spent therein, the committee arose, and Mr. Wood, chairman

thereof, reported said bill to the House as amended, which report was agreed to.

An engrossed bill, entitled "An Act to amend an Act, entitled an Act, to establish a Tariff of Fees;" was read a third time, and passed. Ordered that the title be as above stated.

A bill, entitled an Act, to amend an Act, entitled an Act, to provide for the collection of rents. was referred to a committee of the whole—The whole House went into committee thereon—after some time spent therein, the committee arose, and Mr. Blount chairman thereof, reported said bill to the House with amendments, which were agreed to.

On motion of Mr. Putman, said bill was read the second and third times by the title, and passed. Ordered that the title be as above stated.

His Excellency the Governor transmitted to this House, the following communication:—

EXECUTIVE OFFICE,

Feb. 6th, 1835.

To the Legislative Council:

I have the honor to communicate, for the information of your body, a report from the President of "The Union Bank of Florida," with a detailed statement of the affairs of that institution, from the period of commencing its operations. There is no law requiring the Bank at this time to make report of the state and condition of its affairs; it is the exercise of a courtesy on the part of the Directors, that the Council may be informed of the course they have pursued, and the things that have been done.

JNO. H. EATON.

Which was read—and the report therein contained, is referred to the committee on Banks.

The House then took a recess from half after three to seven o'clock, P. M.

On motion of Mr. Wood, the bill entitled an act to incorporate the East Florida Rail Road Company, was read a second time by the title, and ordered to be engrossed for a third reading on to-morrow.

Mr. Braden gave notice, that he will on some future day, ask leave to introduce a bill for the relief of the heirs of Mary P. Blocker.

Mr. Blount presented the petition of Josaphine Ghenet, praying a divorce, which was referred to a Select committee—Messrs. Blount, Walker and Putnam, were appointed thereon.

Mr. Holmes gave notice, that he will on to-morrow, ask leave to introduce a bill, to be entitled "An act in relation to right of dower."



Mr. Smith from the committee on the Judiciary, to whom said matters had been referred, made the following reports:—

The committee on the Judiciary report unfavorably on a bill, entitled an Act to secure the mechanics and others payment for labour done, and materials furnished in the erection of buildings in the Territory of Florida; and also report without amendment, a bill entitled an Act to amend the several laws now in force concerning divorces; and a bill, entitled an Act to reduce into one the several Acts concerning County Courts. Which reports were agreed to.

Mr. Putnam from the committee on Enrolled Bills—Reported as correctly Enrolled, an Act providing for the removal of Justices of the Peace in certain cases, and for other purposes. An act to prevent trespasses and depredations on lands within the jurisdiction of the Territory of Florida. An act in relation to fugitives from justice. An act for the relief of Elijah Andrews—And an act to revive and amend an act, entitled an act, to incorporate a company, entitled the Wacissa and Aucilla Navigation Company; which were severally signed by the President.

Mr. Holmes from the Select committee, to whom had been referred the petition of Lydia H. Starr, reported thereon, a bill entitled an Act to divorce Lydia H. Starr and Robert Starr; which was read, and ordered for a second reading on to-morrow.

Mr. Smith from the Judiciary committee, to whom the same had been referred, reported without amendment, a bill to make sureties equally liable in certain cases; which report was agreed to, and said bill is ordered for a second reading on to-day.

A bill entitled an Act to repeal certain acts and parts of acts therein named, was again taken up in committee of the whole—Mr. Duval chairman of the committee, reported said bill to the House as amended—which was agreed to, and said bill was again read, and ordered to be engrossed for a third reading on to-morrow.

The House went into committee of the whole on a bill entitled an Act to provide for county expenses, and for other purposes—Mr. Holmes chairman of said committee, reported progress, and asked leave to sit again—which was agreed to by the House.

A bill, entitled an Act to divorce John Gamble from his wife Sarah Gamble, was read the second and third time, (the rule being waived)—the yeas and nays being required on its passage by Messrs. Brown and Blount—were yeas Mr. President, Messrs. Bellamy, Blount, Duval, Fitzpatrick, Higginbotham, Holmes, Hunter, McNeill, Mooring, Parish, Priest, Putnam, and Wood, 14. Nays, Messrs.

Braden, Brown, Dupont, McKinnon, Smith, and Walker. 6. So said bill is passed. Ordered that the title be as above stated.

A bill entitled “an Act to divorce Martha Redman from her husband Elijah Redman, was read the second and third times (the rules being waived.) The yeas and nays being required on its passage by Messrs. Brown and Holmes, were yeas Mr. President, Messrs. Bellamy, Blount, Duval, Fitzpatrick, Higginbotham, Holmes, Hunter, McNeill, Mooring, Parish, Priest, Putnam, Walker, and Wood—15. Nays, Messrs. Braden, Brown, Dupont, McKinnon, and Smith—5. So the said bill is passed—ordered that the title be as afore stated.

A bill entitled “an Act to change the time of holding the election for members of the Legislative Council, and for other purposes,” was laid on the table until to-morrow.

A bill entitled “an Act more effectually to prevent breaches of trust, and for other purposes,” was taken up in committee of the whole, Mr. Braden, Chairman thereof, reported to the House said bill with the enacting clause stricken out. The yeas and nays being required on agreeing to the report of the committee by Messrs. Duval and Blount, were, yeas Mr. President, Messrs. Bellamy, Blount, Braden, Brown, Dupont, Higginbotham, Holmes, Hunter, McKinnon, McNeill, Mooring, Parish, Smith, and Walker—15. Nays, Messrs. Deval, Fitzpatrick, Priest, Putnam, and Wood—5. So said report is agreed to, and the bill is lost.

A bill entitled “an Act to alter the time and manner of holding the county Courts in Munroe county and for other purposes,” was again read and ordered for a third reading on to-morrow.

A bill entitled “an Act, to repeal an Act, to provide for the appointment of Pilots and regulating the rates of Pilotage at Key West, and other purposes,” was again read and ordered for a third reading on to-morrow.

A bill entitled “an Act for the relief of Elias B. Gould, was read again and ordered for a third reading on to-morrow.

A bill entitled “an Act to make sureties equally liable in certain cases,” was again read and ordered for a third reading on to-morrow.

The House then adjourned until to-morrow at 11 o'clock.

Saturday, February 7.

The House met pursuant to adjournment—a quorum being present the journal of yesterday's proceedings was read.



Mr. Bellamy, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act to establish a ferry across the St. John's river," which was read and ordered for a third reading on Monday next.

Mr. Downing, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act to amend the several Acts, in force, regulating judicial proceedings," which was read, ordered for a second reading on Monday next, and 100 copies are ordered to be printed.

Mr. Blount, pursuant to previous notice asked and obtained leave to introduce the following bills:

A bill entitled, "An Act to authorise Charles Hall to establish a ferry across the Perdido river;"

A bill entitled, "An Act to authorise Abraham Millstead to establish a ferry across the Escambia river;"

A bill entitled, "An Act to authorise Samuel C. Keyser to establish a ferry across the Escambia river, at or near its junction with Escambia Bay, which were read by their titles respectively and ordered for a second reading on Tuesday next.

Also, a bill to amend the several acts incorporating the Bank of Pensacola," which were read and referred to the committee on banks.

Mr. Holmes, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act in relation to right of Dower," which was read, and ordered for a second reading on Monday.

Mr. Wood, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled "An Act to incorporate a company to be called the Lake Wimico and St. Joseph's Bay Canal Company, which was read and referred to the committee on the state of the Territory.

Also, a bill entitled, "An Act limiting the time of appointment of auctioneers and other purposes," which was read and ordered for a second reading on Monday.

Mr. Macon, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act to amend an act entitled an act to regulate the pilotage of the Port of St. Marks," which was read and ordered for a second reading on Monday.

Mr. Braden, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act for the relief of the heirs of Mary T. Blocker," which was referred to a Select Committee—Messrs. Braden, Bellamy and Putnam were appointed thereon.

Mr. Smith from the Judiciary Committee to whom the said bill had been referred, reported a bill entitled, "An Act to repeal a certain part of an act regulating executions,"

with amendments; which report was agreed to, and said bill was read and ordered for a second reading on Monday.

Mr. Smith, from the Judiciary Committee, to whom had been referred a bill entitled, "An Act to amend the several acts regulating the mode of proceedings on attachments," reported a substitute therefor entitled, "An Act in addition to the several acts regulating the mode of proceeding on attachments," which was read, made the order of the day for Monday, and 100 copies are ordered to be printed.

Mr. Putnam, from the committee on enrolled bills, reported as correctly enrolled "An Act to incorporate the Southern Life Insurance and Trust Company," and a resolution in relation to a donation of land for the county of Walton, which were signed by the President of the Legislative Council.

Mr. Bellamy, from the committee on the state of the Territory, to whom was referred sundry petitions, praying the establishment of a new county, reported thereon a bill entitled, "An Act to establish a new county to be called county," which was read, and ordered for a second reading on Monday.

Also reported without amendment, a bill entitled, "An Act relating to roads, bridges and ferries," which was read a second time, and ordered for a third reading on Monday;

And also a bill entitled, "An Act to incorporate the Union Rail Road Company, and 100 copies of the last named bill are ordered to be printed.

Mr. Blount, from the Select Committee, to whom was referred the petition of Josephine G. Gagnet, reported thereon, a bill entitled, "An Act to divorce Josephine Granipera Gagnet from her husband Lewis Gagnet," which was read the first, second, and third times, (the rule being waived,) and put on its passage. The yeas and nays being required thereon by Messrs. Macon and Duval, were: Yeas—Mr. President, Messrs. Bellamy, Blount, Brown, Downing, Dupont, Duval, Fitzpatrick, Higginbotham, Holmes, Hunter, Love, McKinnon, McNeill, Mitchell, Mooring, Parish, Priest, Putnam, Smith, Walker and Wood, 22. Nays—Messrs. Braden and Macon, 2. So said bill is passed—ordered that the title be as above stated.

A bill entitled, "An Act to enable the guardian of the infant children and heirs of John Andrews, dec'd. to convey certain real estate therein mentioned," was read the second and third times, (the rule being waived,) and passed—ordered that the title be as above stated.

A bill entitled, "An Act to enable the guardian of the infant children and heirs of John Andrews, dec'd. to convey certain real estate therein mentioned," was read the second and third times, (the rule being waived,) and passed—ordered that the title be as above stated.

A bill entitled, "An Act to alter the place of sale under executions issuing out of the superior courts in certain cases," was read the second and third times, (the rule being waived,) and passed—ordered that the title be as above stated.



A bill entitled, "An Act requiring county judges, in all cases to forward copies of orders for elections to the Governor," was read the second and third times, (the rule being waived,) and passed—ordered that the title be as above stated.

The House went into committee of the Whole, on a bill entitled, "An Act to incorporate the South Florida Land Company," after some time spent in committee, Mr. Wood, chairman, reported progress, and asked leave to sit again which report was agreed to by the House, and said bill is ordered for Monday next.

A bill entitled, "An Act to fix temporarily the seat of government, and to provide for holding the next session of the Legislative Council of this Territory," was again read and ordered for a third reading on Tuesday next.

A bill entitled, "An Act to authorise Mary Johnson, and John A. Cuthbert to dispose of certain real estate," was read the second and third times, (the rule being waived,) and passed—ordered that the title be as above stated.

A bill entitled, "An Act to authorise John Wamble, to establish a ferry across the Oscilla river," was read the second and third times by the title, (the rule being waived,) and passed—ordered that the title be as above stated.

A bill entitled, "An Act to provide for the partition of real and personal property in the courts of law and equity in this Territory," was referred to a committee of the whole House. The House went into committee thereon,—after some time the committee arose, and Mr. Blount, chairman, reported progress, and asked leave to sit again, and also asked to have 100 copies of a substitute for said bill, offered in the committee, printed, which report was agreed to by the House.

A bill entitled, "An Act to regulate the slaves of this Territory, and for other purposes," was referred to a committee of the Whole. The House went into committee thereon, and after some time arose, Mr. Downing, chairman, of said committee, reported progress, and asked leave to sit again, which was agreed to by the House.

A bill entitled, "An Act for the release of the claim of this Territory to the escheated estate of William Pritchard, dec'd. to John A. Rea," was again read and ordered to be engrossed for a third reading on Tuesday next.

A bill entitled, "An Act for the relief of grantees and claimants of lands in certain cases," was postponed until Monday next.

A bill entitled, "An Act to incorporate the East Florida Rail Road Company," was taken up for a third reading, and was again referred to a committee of the Whole. The House went into committee thereon—Mr. Love, chairman of said committee, reported said bill to the House with amendments, which report was agreed to by the House; and said bill was read a second and third time by the title, (the rule being waived,) and put on its passage. The yeas and nays being required thereon by Messrs. Downing and Brown, were: Yeas—Messrs. Bellamy, Blount, Braden, Dupont, Duval, Fitzpatrick, Love, Macon, McKinnon, Mitchell, Mooring, Parish, Priest, Patham, Smith, Walker and Wood—17. Nays—Mr. President, Messrs. Brown, Downing, Higginbotham and

Hunter—5. So said bill is passed—ordered that the title be as before stated.

A bill entitled, "An Act to divorce Lydia H. Starr and Robert Starr," was read the second and third times, (the rule being waived,) and passed—ordered that the title be as before stated.

The following preamble and resolutions heretofore introduced by Mr. Bellamy, was, on his motion, taken up from the table; again read, and adopted, to wit:

*To the Senate and House of Representatives of the United States:*

The Governor and Legislative Council, of the Territory of Florida, beg leave, respectfully, to represent to Congress: That a company, entitled, the "East Florida Rail Road Company" has been chartered by them at its present session, having for its object, the establishment of an expeditious and efficient communication between the Atlantic Ocean and the Gulf of Mexico: That from the evidence communicated to them, they fully believe that this company is prepared to commence and complete the work with all convenient despatch, provided that Congress will, at its present session, make the grant of lands which they now solicit:

It is therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the delegate in Congress be requested to obtain from the Congress of the United States, the relinquishment on the part of the United States to the "East Florida Rail Road Company" one section of land at each end of the route of their rail road; and also the relinquishment on the part of the Congress of the United States of three hundred feet in width of the land throughout the line which may be selected for the said rail road, to the said company: Provided, that when the route of said road shall be surveyed and determined, the same shall prove to be public land, or wherever the route of the said road shall pass through the public lands—Also the right and privilege to obtain and use any timber, stone, or other materials which may be suitable for their purposes on the public lands.

It is further resolved, That the delegate in Congress be requested to obtain from Congress, such other donations of public land as they may in consideration of promoting and aiding an object of so much utility and which promises great national benefits, be pleased to grant to this company.

It is further resolved, That the foregoing resolutions, when signed by the Governor, and the President of the Legislative Council, shall be certified by the chief Clerk, and forwarded to the delegate in Congress.

A bill entitled, "An Act to repeal certain acts and parts of acts therein named," was read the second and third times by the title and passed—ordered that the title be "An Act to repeal a certain act, and part of an act therein named."

The House went into committee of the Whole, on a bill entitled, "An Act to change the time of holding the election for members of the Legislative Council, and other purposes. After some time spent therein, the committee arose, and Mr. Blount, chairman thereof, reported said bill to the House with amendments, which report was agreed to; and said bill was



read the second and third time, (the rule being waived,) and passed—ordered that the title be “An Act to change the time of holding the election for members of the Legislative Council.”

A bill entitled, “An Act to alter the time, and manner of holding the county courts in Monroe county and for other purposes,” was read the third time and passed—ordered that the title be as above stated.

A bill entitled, “An Act to provide for the appointment of pilots, and regulating the rates of pilotage at Key West, and for other purposes,” was read the third time and passed—ordered that the title be as above stated.

A bill entitled, “An Act for the relief of Elias B. Gould,” was postponed until Monday.

A bill entitled, “An Act to make sureties, equally liable in certain cases,” was read the third time and passed—ordered that the title be as above stated.

A bill to provide for county expenses, and for other purposes,” was laid on the table until Tuesday next.

The House then adjourned until Monday next, at 11 o'clock.

### Monday, February 9.

The House met pursuant to adjournment, a quorum being present, the journal of last Saturday's proceedings was read.

Mr. Holmes gave notice that he will on to-morrow ask leave to introduce a bill to change the name of William W. Hicks to that of William W. Brown.

Mr. Smith gave notice that he will on some future day ask leave to introduce a bill to be entitled an Act concerning limitation of actions.

Mr. Fitzpatrick moved that William Wilson, Editor of the *Floridian*, and Printer to this House, be called to the bar of this Legislative Council for a contempt in the publication in that paper of the 7th inst. signed *One of the People*, and that the House take such action thereafter as may be deemed necessary—which motion prevailed; and thereupon Mr. Willson forthwith made his personal appearance at the bar, who being enquired of by the President, whether he was the author of the peice signed (“One of the People”) answered “that he had on this day addressed a letter to the President that contained his full answer to the question, which he wished might me read,” whereupon it was ordered, upon motion of Mr. Downing, that said letter be read, and the same was read in the words following:

Tallahassee, Feb. 9th, 1835.

THE HON. JOHN WARREN,

*President of the Legislative Council:*

Sir—A Communication over the signature of “*One of the People*” which was published in the *Floridian*, of the 7th inst. I consider to be of an offensive char-

acter, and calculated to mislead the public as to the course of Legislation pursued by the present Council. The communication was offered at a late hour and was inserted on the pledge of the writer that it contained nothing offensive. Had the Editor been acquainted with its libellous character it would not have appeared without being accompanied by such remarks as would have rendered it harmless. It is not true that any exclusive privileges are granted in the Rail Road Charter referred to, or any thing calculated to prejudice the Middle District, on the contrary, the St. Marks Rail Road connecting with the line of Steamboats from Suwannee westward, will more effectually make Tallahassee the centre of trade for a large district of country than a direct route to the eastward. It is not true that the faith of the Territory is pledged for eight millions to any corporation.—Neither is it true that any application for a Rail Road Charter has been ungraciously received by the Council. On the contrary, the one alluded to has been received in the usual manner—has been referred to a committee; ordered to be printed, and will doubtless receive all the consideration which it may deserve. A reference to the Legislation of the present and former Councils, will show that no unfriendly feeling has ever existed towards the Middle District as was fully shown by the establishment of the Union Bank, a measure which has resulted almost exclusively for the benefit of this District, and raised it to an unexampled degree of prosperity. The other subject of complaint embraced by the writer, the removal of the seat of Government from Tallahassee, will probably prove equally groundless. This letter is written to show that the Editor disapproves of both the matter and manner of the communication signed by “One of the People” and particularly this attempt to excite sectional prejudices in the Territory and to carry measures by exciting local feelings.

Yours respectfully,

WM. WILSON.

The following question was then propounded to Mr. Wilson, Did you, or did you not, intend to commit a contempt of the Legislative Council by publishing in the *Floridian* of the 7th inst., said article under the signature of “*One of the People*”?—He answered—“I did not.” Whereupon, on motion of Mr. Blount, Mr. Wilson was discharged from further attendance at the bar of the House.

Mr. Holmes, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled “An Act to revive an Act, to incorporate a company to be called the St. Andrews and Chipola Canal Company,” which was read and referred to the committee of the State of the Territory.

Mr. Bellamy, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled an Act to incorporate



the Town of Jacksonville, which was read and ordered for a second reading on to-morrow.

Mr. Mitchell gave notice that he will, on to-morrow, ask leave to introduce a bill entitled an Act amending an Act concerning proceedings before Justices of the Peace and regulating appeals and writs of certiorari passed and approved Feb. 12th 1832.

Mr. Bellamy presented the petition of William L. Haskins, praying the establishment of a rail road, which was read and laid on the table.

Mr. Bellamy, from the committee on the State of the Territorial, to whom the same had been referred, reported without amendment a bill entitled an Act to incorporate a company to be called the Lake Wimico and St. Joseph's Bay Canal Company, which was ordered for a second reading on to-morrow and one hundred copies are ordered to be printed.

Mr. Holmes offered certain resolutions on the subject of the representation of Jackson county, which were read and laid on the table to lie until to-morrow.

Mr. Bellamy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an Act to incorporate a Bank in the town of Jacksonville, which was read and ordered for a second reading.

Mr. Putnam, from the committee on Enrolled Bills, reported as correctly enrolled, a resolution on the subject of representation in Franklin county, and an Act to amend an Act, entitled an Act, to establish a tariff of fees, which were signed by the President.

A bill entitled "an Act for the relief of the Heirs of Mary T. Blocker," was read the second and third times (the rule being waived) and passed—ordered that the title be as aforesaid.

A bill entitled an Act to prohibit the circulation of Bank Notes of a less denomination than five dollars, was read the second time and ordered for a third reading on to-morrow.

A bill entitled "an Act to amend the several Acts, incorporating the town of Apalachicola, was read the second and third times (the rule being waived) and passed—ordered that the title be as before stated.

A bill entitled "an Act to authorise Abraham Smith to establish a ferry across Belts river and the St. Mary's river in Nassau county," was read the second and third times (the rule being waived) and passed—ordered that the title be as before stated.

A bill entitled "an Act to make permanent the county site of Madison county and for other purposes," was read the second and third times (the rule being waived) and passed—ordered that the title be as before stated.

A bill entitled an Act for the relief of some of the inhabitants of Amelia Island, was read the second and third times (the rule being waived) and passed—ordered that the title be "an Act for the relief of the inhabitants of Amelia Island."

A bill entitled "an Act to amend the several laws now in force, concerning divorces," was read the second time. The House resolved itself into a committee of the whole thereon, and after some time, Mr. Dupont chairman, reported said bill

to the House, as amended, which report was agreed to, and said bill was again read the second time and ordered for a third reading on to-morrow.

A bill entitled "an Act to change the northern boundary line of Alachua county," was read the second and third times and passed—ordered that the title be as before stated.

A bill entitled "an Act to reduce into one, the several Acts, concerning county courts," was laid on the table until to-morrow and 50 copies are ordered.

A bill entitled "an Act to establish a ferry across the St. John's river," was read the second and third times and passed—ordered that the title be as before stated.

A bill entitled "an Act to amend the several Acts in force regulating judicial proceedings," was taken up in committee of the whole, Mr. Braden, chairman thereof, reported said bill to the House with the enacting clause stricken out, which report was agreed to by the House, and said bill is lost.

A bill entitled "an Act in relation to right of dower," was read the second time, and on motion of Mr. Smith, the first Section and enacting clause were stricken from the bill, and said bill is lost.

A bill entitled "an Act limiting the time of appointment of Auctioneers and for other purposes," was referred to a committee of the whole. The House went into committee thereon, Mr. Fitzpatrick, chairman therefrom, reported progress and asked leave to sit again, which report was agreed to by the House.

A bill entitled "an Act, to amend an Act, entitled an Act, to regulate the pilotage of the port of St. Marks," was read the second time. The House went into committee of the whole thereon, Mr. Putnam, chairman thereof, reported said bill without amendment, which report was agreed to by the House and said bill was read the third time (the rule being waived) and passed—ordered that the title be as before stated.

A bill entitled "an Act to repeal a certain part of an Act regulating executions," was read the second and third times (the rule being waived.) The yeas and nays being required on its passage by Messrs. Holmes and Parish, were, yeas Messrs. Bellamy, Brown, Downing, Fitzpatrick, Hunter, Parish, Putnam, Walker and Wood—9. Nays, Mr. President, Messrs. Blount, Braden, Dupont, Duval, Edwards, Higginbotham, Holmes, Love, Macon, McKinnon, McNeill, Priest and Smith, 14. So said bill is lost.

A bill entitled "an Act in addition to the several Acts regulating the mode of proceeding on attachments," was taken up in committee of the whole, after some time spent therein, the committee arose, and Mr. Downing, chairman, therefrom, reported the said bill to the House with the enacting clause stricken out, which report was agreed to by the House, and said bill is lost.

A bill entitled "an Act to establish a new county to be called Sumpter county," was referred to a committee of the whole. The House went into committee thereon, after some time the committee arose, and Mr. Blount, chairman thereof, reported said bill amended, which report was agreed to by the House, and said bill was read the second time and ordered for a third reading on to-morrow.



A bill entitled "an Act relating to roads, bridges, and ferries, was laid on the table until to-morrow.

The House then adjourned until to-morrow 9 o' clock.

## Tuesday, February 10.

The House met pursuant to adjournment—a quorum being present, the journal of yesterday's proceedings was read.

Mr. Bellamy moved that the vote taken yesterday, on the passage of a bill, entitled, An Act to change the northern boundary line of Alachua county, be reconsidered with a view to record the yeas and nays, on its passage which prevailed, and thereupon said bill was read by its title for the third time and put on its passage. The yeas and nays being required thereon by Messrs. Bellamy and Duval, were: Yeas—Messrs. Bellamy, Blount, Downing, Dupont, Edward, Fitzpatrick, Higginbotham, Holmes, Love, McNeill, Mitchell, Parish, Priest, Smith and Wood—16. Nays—Messrs. Braden, Brown, Duval, Hunter, Macon, McKinnon, Mooring and Walker—8. So said bill is passed—ordered that the title be as before stated.

A bill entitled, An Act to legitimate and change the name of Wm. W. Hicks, to that of Wm. W. Brown, was, on motion of Mr. Holmes, introduced pursuant to notice heretofore given, and said bill was read three times, (the rule being waived,) and passed—ordered that the title be as before stated.

On motion of Mr. Fitzpatrick, the vote taken on yesterday, on the rejection of a bill entitled, "An Act, in addition to the several acts, regulating the mode of proceeding or attachment," was ordered to be reconsidered; and said bill is ordered for today.

Mr. Duval presented the petition of sundry inhabitants of Leon county, on the subject of rail roads, which was read and laid on the table.

A bill to be entitled, An Act to revive an act to incorporate a company, to be called the St. Andrew's and Chipola Canal Company, was read the second and third time, (the rule being waived,) and passed—ordered that the title be as before stated.

Mr. Duval from the committee on claims made the following report, the committee on claims to whom was referred the claim of John C. Cleland, a justice of the peace, of St. John's county, for arrears of fees, report that they have examined his account, and find the sum of \$12 25 due him; and therefore report the annexed bill for his relief; and the same committee, to whom was referred the claim of F. J. Avise, sheriff of said county, report, that they do not find any thing due the claimant, and therefore beg leave to be discharged from any consideration thereof.

SAMUEL H. DUVAL, Chairman.

which report was agreed to by the House.

The bill therewith reported entitled, An Act for the relief of John C. Cleland, was read the second and third time, and put on its passage. The yeas and nays being required thereon by Messrs. Duval and Bellamy, were: Yeas—Mr. President, Messrs. Blount, Braden, Brown, Downing, Edwards, Holmes, Mitchell, Mooring, Parish, Priest, Putnam, and Smith—13. Nays, Messrs. Bellamy, Dupont, Duval, Fitzpatrick, Higginbotham, Hunter, Love, Macon, McKinnon, McNeill, Walker,

and Wood—12. So said bill is passed—ordered that the title be as before stated.

Mr. Putnam, from the committee on enrolled bills, reported as correctly enrolled, an Act to change the northern boundary line of Alachua county. An Act to incorporate the East Florida rail road company. An Act to alter the place of sale under execution issuing out of the Superior Courts in certain cases. An Act to repeal a certain Act, and part of an Act, therein named. An Act to enable the guardian of the infant children and heirs of John Andres, deed., to convey certain real estate therein mentioned. An Act to authorize Mary Johnson and John A. Cuthbert to dispose of certain real estate. An Act to alter the time and manner of holding the county Courts in Monroe county, and for other purposes. An Act to repeal an Act, to provide for the appointment of Pilots and regulating the rates of pilotage at Key West, and for other purposes. An Act requiring county Judges in all cases to forward copies of orders for elections to the Governor. An Act to authorize John Wamble to establish a ferry across the Ocala river. An Act to make sureties equally liable in certain cases. An Act to amend an Act, entitled an Act, to regulate the pilotage of the port of St. Marks. An Act to amend the several Acts, incorporating the town of Apalachicola. An Act for the relief of the inhabitant of Amelia Island. An Act to authorize Abraham Smith to establish a ferry across Bells river and St. Mary's river. An Act to divorce Martha Redman, from her husband Elisha Redman. An Act to divorce Lydia H. Starr and Robert Starr,

Mr. Duval, from the Select committee, to whom the same was referred, made the following report, That in pursuance of the powers with which said committee was vested, they called upon one of the compilers appointed by law, to superintend said publication, for information respecting the same, and they also examined the two several contracts, bonds, and other documents on file in the Executive Office relating thereto. The gentleman called upon appeared before the committee and gave full information and explanations as to the cause of the delay in the publication of the work. It appeared, however, the time allowed by the contract has not yet expired. At the request of the committee the information and explanation given were embodied in a letter addressed to the committee as some misapprehensions of the facts upon this subject seems to have existed in the Council. The committee, in justice to those concerned, have deemed it proper to submit that communication to the Council, especially as it is in the opinion of the committee entirely satisfactory, and the committee recommend also the passage of the law asked for, and accordingly report a bill to that effect.

SAMUEL H. DUVAL, Chairman.

A bill reported by the committee on claims, entitled an Act in addition to the Acts for the compilation of the laws of this Territory, was read and referred to a committee of the whole. The House went into committee thereon, Mr. Love, Chairman thereof, reported progress and asked leave to sit again, which report was agreed to by the House.



A bill entitled an Act to incorporate the South Florida Land Company was again taken up in committee of the whole, Mr. Wood, Chairman thereof, reported said bill to the House amended, which was agreed to, said bill was then read a second time and ordered for a third reading on to-morrow.

Mr. Bleunt, pursuant to previous notice; asked and obtained leave to introduce a bill to incorporate the Escambia Manufacturing Company, which was read and referred to the committee on the State of the Territory.

Mr. Walker, pursuant to previous notice heretofore given, asked and obtained leave to introduce a bill to incorporate the Pensacola and Perdido Rail Road Company, which was read and referred to the committee on the State of the Territory.

The committee of the whole House again took under consideration a bill entitled an Act to provide for the partition of real and personal property in the courts of law and equity in this Territory; and also, a substitute therefor, entitled an Act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common, in this Territory, Mr. Love, Chairman thereof, reported said bill and the substitute therefor with the enacting clause stricken out from each, which report was agreed to by the House, and said bill and the substitute therefor are lost.

A bill entitled an Act for the relief of grantees and claimants of lands in certain cases, was read the third time and passed—ordered that the title be as before stated.

A bill entitled an Act for the relief of Elija B. Gould, was amended by striking therefrom the words "ten dollars twenty five cents," and inserting in lieu thereof, the words "one hundred and six dollars," said bill was then read the third time, and passed—ordered that the title be as before stated.

Mr. President laid before the Legislative Council, the following Executive communication:

#### EXECUTIVE OFFICE,

Feb. 10th, 1835.

#### To the Legislative Council:

I have carefully taken into consideration an Act submitted to me, entitled "an Act to incorporate the Southern Life Insurance and Trust Company." To its general provisions no objection is entertained; my purpose is to present to you certain alterations and amendments, which to me, appear necessary, to carry out these objects, which doubtless, the Legislature in enacting it, had in view.

Monied corporations are always matters of hazzard, from an entertained idea that once created, they are beyond the reach of future Legislation; if this be correct, it is obvious that the dangers attendant on their creation should be avoided, by embodying in their charters, such safe guards and securities, as may have a tendency to advance the benefits contemplated to arise, and at the same time, to restrain those evils and inconveniences which frequently occur, when even the greatest care and caution to prevent them are consulted.

This act of the Legislative Council, is advocated on the ground, that monied facilities will be offered; and by it, advantages; correspondent to those which are possessed by the mid-

dle, will accrue to the Eastern section of the Territory. The argument is a reasonable one. But while it is urged, care should be taken, that the copy does not surpass the original. Even when benefits are to be obtained, through any act of legislation, it is worthy to be considered, whether, they may not, and are not, sometimes, secured at too great sacrifice.

The guarantee of a State or Territory, is nothing more than a mere promise to do a particular act. There is no compulsory authority whereby the fulfilment of the promise can be enforced; it is but the assurance of plighted faith; tho' it is that, which the sovereignty making it, will always be careful to redeem. If then from any unforeseen casualty, this chartered Company shall fail or omit to discharge its incurred obligations, a liability on the part of this Territory will arise; and hence does prudence dictate to the Representatives, that an offered guarantee of the public faith, shall not be carried beyond a point of safety, to those whose interests are here represented. For great objects of internal improvement to the country, such as promise important benefits to a community in after time, a plausibility, and perhaps a right may exist, for the present age, to impose burthens and taxes upon those who are to follow after. But that right, it is conceived, cannot attach in form of a speculative measure which may eventuate well; but which being dependent for success on various contingencies may, by possibility turn out badly.

The 21st Section of the bill is considered objectionable. In the first place, it is inexplicit, too much so to be executed. It declares that the Governor shall endorse the faith of the Territory on "certificates of such deposits as the company shall from time to time determine on." To this, what is the construction to be given? An ordinary, usual certificate of deposit, —such as is understood by the mercantile community, is, where with a view to a safe remittance, an individual places money in some Bank, and receives in writing an admission that the deposit is made, and that the amount will be paid to the rightful holder of the produced certificate, and which when produced is paid and cancelled. But by the friends of the act it is asserted, that this is not the meaning which is intended to be conveyed by the words employed in this Section—that they are intended to have a more enlarged interpretation. This probably is true, because while a corporation remains solvent and in good credit, a guarantee of such papers would be of little or no value; nor could they prove at all servicable in increasing the capital stock, or giving additional credit to the institution.

The precise meaning of the expression then, as it was intended, must be that these certificates of deposit are in the nature of obligations—promises on the part of the Territory, to be answerable for the liabilities of this company, at some future time (tho' at what time is not stated) whereby to enable the company "to make loans and discounts beyond the limits of its capital;" and to effect these objects, the faith of Florida is to be the guarantee.

A prudent dealer does not permit himself to be drawn on, without having some precise period agreed upon, at which the bill shall reach maturity. If he expects to be punctual, and



hopes to sustain his credit, he will practice this precaution, that he may make all necessary arrangements to be in readiness to meet his engagements. For the same reason States and Territories, and corporations, should pursue a similar course, lest when the time arrives to redeem any given pledge, they may not be ready to do so. Suppose this company shall issue certificates to be endorsed by the Governor, payable at intermediate periods of twelve and sixty months, and there is nothing in the act to prevent it, is it dreamed of, that the Territory could discharge them at maturity? But the charter requires that the company shall take care to pay these liabilities. But where is the guarantee for it? This Territory is not by the act, declared to be a preferred creditor, on account of its undertakings, and liabilities; nor is their a lien given, by which the mortgaged property of the company can be resorted to. In the event of any resulting default, Florida will be placed in the attitude merely of a general creditor, to be settled with just as other claimants and creditors will be. The only penalty, and the alone security to be relied on, for neglecting to discharge the principal and interest of the bonds, is that the Territory is authorised to have the privilege of a law suit with the company, which will neither preserve credit nor pay the debt incurred by the guarantee.

As the Legislature at the session of 1833 granted a charter to the Union Bank, which has given facilities and benefits to this section of country, it is insisted that like advantages should be extended to the Eastern section of Florida; and arguments have been thence adduced in support of the principles which are contained in the act under consideration. It is proper therefore to institute a comparison, and to run a parallel, by which material differences will be seen in favor of the safety which is offered to the Territory by the one, which is not contained in the other.

1st. Valuers in the several counties, to be appointed by the Governor, and approved by the Council, are made necessary that no mortgaged estate be imposed for discount on the Bank, beyond its probable and true value; and with a view to still greater caution, the Directors are possessed with authority to reduce even this valuation when made. The act before me contains no such wholesome provisions.

2d. Five of the twelve Directors chosen to supervise the concerns of the Bank, are the constituted agents, by the Governor and Council, on behalf of the Territory, who are chosen annually (not during good behaviour) and whose duty it will be from time to time, to make known any practised wrong on the part of the board. In twelve months much injury and wrong might be done, and yet it is but annually that the public, with all its weighty responsibilities, are to be informed of the state and condition and situation of this company. The Territory should have directors associated who are not stockholders, and who consequently will be without interest and motive to do wrong, that her rights and liabilities may be guarded and protected.

3d. The Territorial bonds issued to the Bank, are of ascertained amount, and are made payable at distant and at certain periods, so that if from casualty or mismanagement, a liability

shall threaten to arise, timely notice will be had for such arrangements to be gone into, as may provide with certainty for the ultimate redemption of those obligations.

4th. One million of dollars, with the privilege of increasing it to three, is the declared capital of the Union Bank; and bonds only to that precise amount are appropriated, and required to be issued; whereas, the Trust Company may increase their capital from two to four millions, and the Governor is directed to guaranty their certificates of deposit to double that amount.

5th. For the guarantee given to the Bank thro' the bonds issued by the Territory, a lien is created in the 8th Section of the charter, on the mortgaged property of its debtors; and besides this most salutary arrangement, the Bank has undertaken and agreed to pay a *bonus* of a moiety of all its property, which as the dividends are retained, and are hence cumulative, cannot fail to be considerable, should the institution be prudently and fortunately managed.

6th. That the people generally might possess themselves of the privileges and advantages intended by the charter of the Union Bank, it is provided in the 4th Section of the act, that if more than the authorised amount of stock was subscribed the larger stockholders should be curtailed. It was a salutary provision, to prevent a few persons from monopolising privileges and rights which were intended for the community at large. The Trust charter under consideration, contains no such advantageous restriction. Ten stockholders, that being the required number, to constitute a board of directors, may engross the entire stock; and having engrossed it, are clothed with power and authority, to wield and control the credit and liabilities of this territory, to the enormous amount of eight millions of dollars.

This hastily drawn parallel will show that while valuable safeguards are contained in the charter of the Union Bank, that of the Trust Company is without them. One other might have been beneficially resorted to, an inhibition to receive real estate upon mortgage, unless within the Territory; and it is a provision that should be inserted in the present charter, or otherwise the mortgages received may be situated in the States where no legislation or lien to be derived under the charter can be rendered available. The property being mortgaged to the company at a fair valuation and being within your jurisdiction and limits, with a lien created, no objection to extending the guarantee to the extent of their valuation can be perceived; and more should not be asked; or if asked, should not be granted. It is proper also, that some visitatorial right be retained, especially to see that estates be not pledged to the company at too extravagant a valuation.

JOHN H. EATON.

Which was read and laid on the table.

The following bills were read the second and third times, the rule being waived, and passed, to wit:

A bill entitled an Act to authorise Charles Hall to establish a ferry across the Perdido river.

A bill entitled an Act to authorise Abram Millstead to establish a ferry across the Escambia river.



A bill entitled an Act to authorise Samuel C. Keyser to establish a ferry across the Escambia Bay—ordered that their respective titles be as before stated.

A bill entitled an Act to regulate the slaves of this Territory and for other purposes, was postponed until to-morrow.

A bill entitled an Act to incorporate the Union Rail Road Company in the Territory of Florida, was referred to the committee on the State of the Territory.

A bill entitled an Act to fix temporarily the Seat of Government, and to provide for holding the next session of the Legislative Council of this Territory, was on motion of Mr. Bellamy, referred to a select committee, Messrs. Fitzpatrick, Wood and Blount were appointed thereon.

A bill entitled an Act for the release of the claim of this Territory, to the Escheated Estate of William Pritchard, decd. to John A. Rea, was on motion of Mr. Duval referred to the same Select committee, who reported the bill to this House.

A bill entitled an Act to abolish the Territorial taxes, was postponed, and on motion of Mr. Bellamy, made the first order for to-morrow.

A bill entitled an Act, to amend an Act, to incorporate the town of Jacksonville, was read the second and third times, the rule being waived and passed—ordered that the title be as before stated.

Mr. Holmes, on a former day, presented the following Preamble and Resolutions:

Whereas, the increasing population of the county of Jackson, the fertility of its soil, and its growing resources, distinguish it as a portion of the Territory of Florida, worthy the fostering aid of the General Government: And whereas, under the present apportionment of representatives, the people of Jackson are excluded from their full share of representation in the Legislative Council.—Be it therefore

Resolved, That our Delegate in Congress be requested to urge the passage of a law giving to the county of Jackson an additional member in the Legislative Council.

And be it further Resolved, That the above resolution be signed by the President and Clerk of the Council, and be forwarded to our Delegate in Congress.

Which were again read and adopted.

A bill entitled an Act to incorporate a company to be called the Lake Wimico and St. Joseph's Canal Company, was referred to a committee of the whole. The House went into committee thereon, Mr. Edwards, Chairman of the committee, reported said bill amended, which was agreed to by the House, and said bill was read the second and third times and passed—ordered that the title be as before stated.

A bill entitled an Act to incorporate a Bank in the town of Jacksonville, was referred to a committee of the whole. The House went into a committee thereon, Mr. Dupont, Chairman thereof, reported said bill amended, which was agreed to by the House, said bill was then read a second and third time, the rule being waived, and passed—ordered that the title be "an Act to incorporate the Bank of Jacksonville."

A bill entitled an Act to prohibit the circulation of Bank Notes of a less denomination than five dollars, was read the

third time, the yeas and nays being required on its passage by Messrs. Parish and Mooring, were, yeas Mr. President, Messrs. Bellamy, Blount, Braden, Brown, Downing, Dupont, Duval, Edwards, Fitzpatrick, Higginbotham, Hunter, Love, Macon, McKinnon, Mitchell, Mooring, Priest, Putnam, and Wood—20. Nays, Messrs. Parish and Smith—2. So said bill is passed—ordered that the title be as before stated.

A bill entitled an Act to amend the several laws now in force concerning divorces, was read the third time and passed.

A bill entitled an Act, limiting the term of appointment of Auctioneers, and for other purposes, was again taken into committee of the whole, Mr. Fitzpatrick, Chairman thereof, reported said bill to the House amended, which was agreed to, the rule of the House being waived, the said bill was read a second and third times, and passed—ordered that the title be as before stated.

On motion of Mr. Blount, a bill entitled an Act, relating to roads, bridges, and ferries, was indefinitely postponed.

The House then adjourned until to-morrow at 11 o'clock.

### Wednesday, February 11.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read

Mr. Bellamy moved that the rule be waived, and that he have leave to introduce, without notice, a bill entitled "an Act to change the name of Mary P. Harker, of St. John's county," which was agreed to, and said bill was read the first, second, and third times (the rule being waived for that purpose) and passed—ordered that the title be as before stated.

On motion of Mr. Fitzpatrick, leave is given him (without previous notice) to introduce a bill entitled an Act for the relief of Edward Chandler, which was read and referred to the Committee on Claims.

Mr. Brown, pursuant to previous notice, asked and obtained leave to introduce a bill entitled "an Act to establish two terms of the Superior Court at Eatonton, the county seat of Hamilton county," which, the rule being waived, was read the first, second, and third times, and passed—ordered that the title be as before stated.

Mr. Bellamy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an Act, to amend an Act, to incorporate the Florida, Peninsula & Jacksonville Rail Road Company, was read the first time and ordered for a second reading on to-morrow.

On motion of Mr. Blount, leave is given him (without previous notice) to introduce a bill for the relief of Joseph F. Wachob.

On motion of Mr. Smith, leave is given him (without previous notice) to introduce a bill entitled "an Act concerning the limitation of actions, which was read the first and second time (the rule being waived) and ordered for a third reading on to-morrow.

A bill entitled "an Act, to revive an Act, to provide for the collection of judgements against free Negroes,

and other persons therein named," was on motion of Mr. Fitzpatrick, ordered to be reconsidered, and is made the order of the day for a third reading on to-morrow.

On motion of Mr. Downing, leave is given him (without previous notice) to introduce a bill entitled "an Act to establish a ferry across Julington Creek," which was read and ordered for a second reading on to-morrow.

Mr. McNeill presented the petition of John W. Clements, praying a divorce, which was referred to a Select committee.—Messrs. Brown, McNeill, and Hunter, were appointed thereon.

Mr. Wood presented the following Preamble and Resolutions, to wit:

Whereas, The depth of water on the Bar of the Bay of Apalachicola, is insufficient for the entrance of vessels of the larger class, and whereas the great and increasing commerce dependent upon the Apalachicola river and its tributaries, requires an outlet suitable to the extent of that commerce, which might easily be attained by a Canal connecting the waters of Lake Wimico with the Bay of St. Joseph's.

And whereas the said Canal would form a part of that continuous route of inland navigation which must ultimately connect our Territory with the City of New Orleans—affording a safe and easy transportation to the products of our soil.

Be it therefore Resolved by the Governor and Legislative Council of Florida, That our Delegates in Congress be urged to procure from that body a grant in fee simple to the company, incorporated for the cutting of said Canal, of ninety feet of the public land on each side of its contemplated route; likewise a section of land at the point of its commencement on Lake Wimico, and another at its junction with the Bay of St. Joseph's.

Resolved, That this Resolution be signed by the President and Chief Clerk of this House, and forthwith forwarded to the Delegate from this Territory.

Which were read and (the rule being waived) adopted.

Mr. Brown offered certain Resolutions which were read and laid on the table until to-morrow.

Mr. Fitzpatrick, from the committee on Banks, to whom was referred a memorial of the Union Bank, reported a bill entitled "an Act, to amend an Act, entitled an Act, to incorporate the subscribers to the Union Bank of Florida," which was read and ordered for a second reading on to-morrow.

Mr. Bellamy, from the committee on the State of the Territory, to whom was referred a bill entitled an Act to incorporate the Union Rail Road Company in the Ter-

ritory of Florida, reported said bill without amendment which was again read and ordered for a third reading on to-morrow.

Mr. Putnam, from the committee on Enrolled Bills, reported as correctly enrolled "an Act for the relief of Grantees and claimants of lands in certain cases"—"an Act to legitimate and change the name of William W. Hicks to that of William W. Brown"—"an Act to revive an Act, to incorporate a company to be called the St. Andrew's and Chipola Canal Company"—"an Act to establish a ferry across the St. John's river"—"an Act to change the time of holding the election for members of the Legislative Council"—"an Act for the relief of the heirs of Mary D. Blocker"—"an Act to divorce John Gamble from his wife Sarah Gamble"—"an Act to incorporate the Bank of Jacksonville"—"an Act for the relief of Elias B. Gould"—"an Act to prohibit the circulation of notes of foreign Banks of a less denomination than five dollars"—"an Act to amend an Act, to incorporate the town of Jacksonville"—"an Act, to amend an Act, entitled an Act, to provide for the collection of rents, passed 20th Nov 1828"—"an Act to make permanent the county site of Madison county and for other purposes"—"an Act for the relief of John C. Cleland"—and also, several resolutions upon the subject of representation in Jackson county, and the memorial to the Senate and House of Representatives of the United States on behalf of the East Florida Rail Road Company.

Mr. Blount presented the petition of Silas Weeks, which was referred to a select committee, Messrs. Brown, McNeill, and Hunter, were appointed thereon.

Mr. Fitzpatrick, from the committee on Banks, reported without amendment, a bill entitled an Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes, which was read and ordered for a second reading on to-day—also, a bill entitled "an Act authorising John O. Sewall to establish a ferry across the Chipola river, near Marianna," was on his motion taken from the table, and placed among the orders of the day.

Mr. Bellamy, from the committee on the State of the Territory, to whom the same had been referred, reported the following bills without amendment, to wit: a bill entitled an Act to incorporate the Pensacola and Perdido rail road company, which was again read and ordered for a third reading on to-day—also a bill entitled an Act to incorporate the Escambia Manufacturing Company, which was again read and ordered for a third reading on to-day.

Mr. Fitzpatrick, from the Select committee, to whom



the same had been referred, reported as amended by the committee, a bill entitled "an Act to fix permanently the seat of Government, and to provide for holding the next session of the Legislative Council of this Territory, which was again read and ordered for a third reading on to-day.

Mr. Macon, from the select committee, to whom was referred the petition of sundry inhabitants of the town of Quincy, reported a bill entitled an Act to prescribe the mode of erecting mill dams in certain cases, which was read and ordered for a second reading on to-morrow.

A bill entitled an Act to abolish the Territorial taxes, was again taken up in committee of the whole, Mr. Holmes, therefrom, reported said bill amended, which report was agreed to, and said bill is ordered to be engrossed for a third reading on to-morrow.

A bill entitled "an Act to establish a new county to be called Sumter county," was again taken up in committee of the whole, Mr. Putnam therefrom, reported said bill to the House, which was agreed to, and said bill was referred to a select committee—Messrs. Edwards, Downing, and Braden, were appointed thereon.

A bill entitled an Act, in addition to the several Acts, regulating the mode of proceeding on attachments, was again taken up in committee of the whole, Mr. Downing therefrom, reported the said bill amended, which was agreed to, and said bill was again read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. President laid before the House two Messages from his Excellency the Governor:

## EXECUTIVE OFFICE,

February 10th, 1835. }

To the Legislative Council:—

I nominate to the Legislative Council the following persons, to fill the respective offices attached to their names:

### DUVAL COUNTY.

*Justices.*—Saml. Y. Garey, Stephen J. Eubanks, Oliver Wood, John Houston, Joseph Sumnerell, John M. J. Bowden, Matthew Jenkins, James E. Hutchinson.

*Notary Public.*—I. D. Hart.

*Auctioneer.*—S. Streeter.

*Inspector of Lumber.*—Jos B. Lancaster.

### ESCAMBIA COUNTY.

*Justices.*—Charles Evans, Thomas Connyers, John Jerrison, Thomas M. Blount, John S. Moore, A. W. Nicholson, Daniel Monroe.

*Auctioneers.*—Henry Michelet, Wm. M. Wilson, Wm.

W. Kelly, Francis dela Rua, John Garnier, James Gonzal z Henry F. Ingraham, Charles LeBaron.

*Auctioneers.*—John Campbell, Jeremiah R. H. Smith.

*Notary Public.*—Thomas M. Blount.

*Inspector of Lumber.*—Francis dela Rua.

### FRANKLIN COUNTY.

*Justices.*—Jos. R. Betton, Cyrus Dykeman, Orran Marsh.

*Auctioneers.*—James D. Bulloch, Elizur Wood, Ewd. Douleday.

*Port Wardens.*—W. W. Richards, Jas. D. Bulloch, Elizur Wood, H. Hawley, Jas. Black.

*Notary Publics.*—John Gorric, Wm D. Price, G. L. Barry, Geo. S. Hawkins.

*Inspectors of Lumber.*—Samuel B. Wilson, R. B. Bull, Jos. R. Betton.

### GADSDEN COUNTY.

*Justices.*—John Little, Marcellus Morgan, J. C. Love, James Gibson, M. M. Caswell, James Hall, Jas. Wilson.  
*Appraisers Union Bank.*—Isham Johnson, Godfrey Stephens, Stephen Parramore, James Gibson, Banks Meacham.

*Auctioneer.*—Stith F. Jones.

*Notary Publics.*—Robert H. Stewart, Isaac R. Harris.

### HAMILTON COUNTY.

*Justices.*—Solomon Zippener, David Mote, John L. Stewart, Daniel S. Whitehurst, Nathaniel Bryant, Isaac Crews.

### JEFFERSON COUNTY.

*Justices.*—Edmund Gray, Alisbury Sheehee, Cullin E. Ailidge, Benjamin Manning, Hinson Wilder, Cornelius Beasley, George W. Johnson, Jeremiah Drew, Needham Bryant, James Scott, Littlebury Parker, Moses Ellis.

### JACKSON COUNTY.

*Justices.*—Levin Brown, James J. Pittman, William Robinson, James Hooker, Eli Peacock, Seaborn B. Whitfield, Samuel M. Jackson, Dugle Anderson, John Herring, Guthrie Moore, Charles Passmore, Bryant Trippe, Moses Holland, Andrew Young, Samuel Stephens, Benjamin Holden, Daniel Patterson, Joseph Irion, John Byrd.

*Notary Public.*—John S. Thorn.

*Auctioneers.*—John Sullivan, Henry N. Nowland.

*Appraisors Union Bank.*—Sampson Pope, Jesse J. Williams, Josiah Daniel, Benjamin Foscue, And. Young, John Smith.

### LEON COUNTY.

*Justices of the Peace.*—Benjamin Byrd, James Stewart, Benjamin Chaires, Joseph Joiner, Nathan Powell, Lionel

Fletcher, Robert Sturgess, James Hart, John Tatom, John Ray, Benjamin W. Gause, Nathaniel Walker, G. E. Dennis, A. Cromartie, J. W. Bannerman, Francis W. Eppes, James S. Lynn.

*Port Wardens St. Marks.*—Robert Sturgess, Timothy McCarty, Wm. C. Miller, John B. Peachy, F. Whiting.

*Appraisers Union Bank.*—Daniel McRaney, James T. Vickers..

#### MADISON COUNTY.

*Judge of the County Court.*—Samuel J. Perry.

*Appraiser Union Bank.*—Richard Mays.

*Justices of the Peace.*—Silas Overstreet, R. D. Bradley, John Miller, James McNeill, Silas Coker, James T. Patterson.

#### MONROE COUNTY.

*Justices.*—Philip J. Fontane, Pardon C. Green:

*Part Wardens.*—Pardon C. Green, William H. Shaw,

P. J. Fontane, F. A. Browne, George E. Weaver.

*Appraiser Union Bank.*—Wm. Cooley.

*Notary Public.*—Henry S. Waterhouse.

*Auctioneers.*—Henry L. Waterhouse, W. H. Fletcher.

#### NASSAU COUNTY.

*Justices*—Charles Seaton, William Buford, Domingo Acosta.

#### ST. JOHN'S COUNTY.

*Justices.*—Geo. S. Philips, John C. Cleland, Abraham Dupont, John Lee Williams, Daniel Joice jr., Joseph S. Sanchez, Elias Wallen, J. M. Hernandez, J. Gray jr., Philip Weadman jr., Charles Downing, Peter Benet, Anto. Alvarez, Wm. H. Allen, Andrew Anderson, E. T. Jencks.

*Notary Publics.*—John Gray jr., John C. Cleland, Miller Hallows.

#### WALTON COUNTY.

*Justices.*—Neil McPherson, M. Vaughn Sen., H. Jones, A. McLeod, McRea Williams, John McDavid, Richard J. Compton, Sween Gillis, James Vaughan, A. Turner, Thomas G. Bright.

*Appraisers Union Bank.*—H. G. Ramsay, D. Gartman, Neil McPherson, D. D. Campbell, John McKinnen.

#### WASHINGTON COUNTY.

*Justices.*—John Witchers, James Bright, J. P. Lockey, John G. Russ.

#### MOSQUITOE COUNTY.

*Justices of the Peace.*—J. Hunter, T. H. Dummett, J. J. Bulow, William H. Williams, Wm. Depeyster, D. R. Dunham, S. H. Williams, John G. Anderson, Douglass Dummett.

Very respectfully your obdt. servt.

JOHN. H. EATON:

### EXECUTIVE OFFICE,

February 11th, 1835.

To the Legislative Council of Florida.

I nominate to the Council Charles Austin to be Treasurer for Florida.---Thomas Brown to be Auditor for Florida; and also, the following gentlemen to fill the several offices attached to their names:

#### FOR COLUMBIA COUNTY.

*Judge of the County Court.*---Joseph Dyall,

*Justices of the Peace.*---Wm. Scott, E. Weeks, George McClellan, J. Everett, R. Brown, Isaac Smith, Asa Roberts.

#### FOR ALACHUA COUNTY.

*Justices of the Peace.*---Henry A. More, James Walker, Samuel Burnett, Samuel Harville, Elias Knight, William M. Reed, Malichi Hagan, Cotton Rawls

JOHN H. EATON.

The House went into secret session on said nominations, and advised and consented to the same, except the nomination of Thos. Brown, Auditor, which was for the present laid on the table, when the door was again opened.

On motion of Mr. Braden the House resolved itself into committee of the whole on the message of his Excellency the Governor, of the 10th inst. on the subject of an Act to incorporate the Southern Life Insurance and Trust Company---after some time spent therein the committee arose, and Mr: Love therefrom, reported progress, and asked leave to sit again, which report was agreed to.

A bill entitled "an Act in addition to the act providing for the compilation of the laws of this Territory, was again taken up in committee of the whole, Mr. Holmes therefrom, reported said bill amended, which was agreed to and said bill was read a second and third times (the rule being waived) and passed---ordered that the title be as before stated.

A bill entitled an Act to incorporate the South Florida Land Company, was read the third time, the yeas and nays being required by Messrs. Love and Macon, were, yeas Mr. President, Messrs. Bellamy Blount, Braden, Brown, Downing, Fitzpatrick, Higginbotham, Holmes, Hunter, Michell, Parish, Priest, Putnam, Smith, Walker, and Wood---17. Nays Messrs. Dupont, Duval, Love, Macon, McKinnon, McNeill and Mooring---7. So said bill is passed---ordered that the title be as before stated.

A bill entitled an Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating the said Bank, is postponed and made the first order for tomorrow.

A bill entitled an Act to regulate the slaves of this



Territory and for other purposes, was again taken up in committee of the whole, Mr. Smith therefrom, reported said bill with the enacting clause stricken out, which report was agreed to by the House, and said bill is lost.

The House went into committee of the whole on a bill entitled an Act authorising John O. Sewall to establish a ferry across Chipola river, near Marianna, Mr. Downing from said committee, reported a substitute therefor, which report was agreed to by the House, and said bill was read the second and third times (the rule being waived) and passed—ordered that the title be an Act to establish a ferry across Chipola river near Marianna.

A bill entitled an Act to incorporate the Pensacola and Perdido Rail Road Company, was read the third time and passed—ordered that the title be as before stated.

A bill entitled an Act to incorporate the Escambia Manufacturing Company, was read the third time and passed—ordered that the title be as above stated.

Mr. Blount asked and obtained leave (without previous notice) to introduce a bill entitled an Act to incorporate the Pond Creek and Blackwater river Canal company, which was read and ordered for a second reading on to-morrow.

A bill entitled an Act to fix temporarily the seat of Government, and to provide for holding the next session of the Legislative Council of this Territory, was postponed and made the first order for to-morrow.

Mr. President laid before the Council an Executive Message:

**EXECUTIVE OFFICE. }**  
February 11th, 1835. **}**

*To the Legislative Council of the Territory of Florida:*

I nominate the following gentlemen to fill the office of Notary Public in and for the County of Hillsborough:

Augustus Steele and Samuel Stansbury.

Very respectfully

**JOHN H. EATON.**

Whereupon the House went into secret session and approved the nominations therein contained, when the door was opened.

The House then adjourned until to-morrow 11 o'clock.

**Thursday, February 12.**

The House met pursuant to adjournment—a quorum being present, the journal of yesterday's proceedings was read.

Mr. Duval, from the committee on claims, to whom was referred the petition of Joseph F. Wachob, and also a bill for the relief of Joseph F. Wachob, reported favorably on said petition,

and reported the bill to the House without amendment, which was again read, and ordered for a third reading on to-morrow.

Also, from the same committee, to whom the same had been referred, reported favourably on the claim of Edw. Chandler, for relief, and reported a bill entitled an Act for the relief of Edward Chandler without amendment, which was read the second time and ordered for a third reading on to-morrow.

Mr. Putnam, from the committee on Enrolled Bills, reported as correctly enrolled, an Act to authorise Samuel C. Keyser to establish a ferry across the Escambia river, at or near its junction with Escambia Bay—an Act, to amend an Act, to establish a tariff of fees—an Act to authorise Charles Hall to establish a ferry across the Perdido river—an Act to incorporate the South Florida Land Company—an Act to incorporate a Company to be called the Lake Wimico and St. Joseph's Canal Company—an Act to change the name of Mary P. Harker of St. Johns county—an Act limiting the time of appointments of Auctioneers, and for other purposes—an Act to amend the several Acts, now in force, concerning divorcees—and an Act to authorise Abraham Millsted to establish a ferry across the Escambia river, which were signed by the President.

Mr. Brown, from the Select Committee, to whom was referred the petition of Silas Weeks jr., reported thereon a bill entitled an Act for the relief of Silas Weeks jr., which was read and ordered for a second reading on to-morrow.

Mr. Brown, from the same committee, to whom was referred the petition of John W. Clements, reported thereon a bill entitled an Act for the relief of John W. Clements, which was read and ordered for a second reading on to-morrow.

A bill entitled an Act to fix temporarily the seat of Government, and to provide for holding the next session of the Legislative Council of this Territory, was postponed until to-morrow.

A bill entitled an Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes, was referred to a committee of the whole. The House went into committee thereon, and Mr. Wood from said committee, reported said bill to the House without amendment, which was agreed to, and said bill is ordered for a third for a third reading on to-morrow.

On motion of Mr. Downing, the House resolved itself into committee of the whole on the Message of the Governor, stating objections to an Act incorporating the Life Insurance and Trust Company, Mr. Love Chairman—after some time spent therein the committee arose, and Mr. Love therefrom, reported sundry amendments to said Charter, which report was agreed to by the House.

Mr. Braden moved that a committee of this House be appointed to wait upon the Governor, and inform him that the suggestions in his communication respecting an Act, entitled an Act, to incorporate the Southern Life Insurance and Trust Company, have been concurred in by this House, and to request His Excellency to return the said Act, that the said Act may be Enrolled conformably to said amendments, which was agreed to—Messrs. Braden, Downing, and Putnam, were appointed thereon.

The committee reported, that the Governor would make a communication to this House forthwith on the subject.



His Excellency the Governor transmitted to the House, by Mr. Wellford, his private Secretary, the following communication:—

**EXECUTIVE OFFICE.**  
February 12th, 1835.

To the Legislative Council:

I return to you the Act asked for, entitled an Act to Incorporate the Southern Life Insurance and Trust Company.

It did not accompany my first communication made to you, because there were printed bills in the possession of the House which afforded all the information which the particular enactments of the enrolled one contained; and which the Council could require. The Act sent to me, was not *disapproved*; my message contained reasons and suggestions which I thought, if adopted, would improve the Charter of the Act, and carry out more effectually, and securely, those objects, which I presumed the Legislature had in view in passing it. Hence did I infer, that neither reason nor the law demanded, or required, it to be returned. I entertain still the same opinion; and comply with the request preferred to me now by the Council, more in a spirit of harmony and courtesy than from any opinion entertained that my first view of this subject is at all incorrect.

JOHN H. EATON.

Which was read, whereupon Mr. Downing moved that the House do now order the Act to be enrolled so as to conform to the amendments just adopted, which motion prevailed, and was agreed to by the House.

A bill entitled an Act to establish a ferry on Julington Creek of St. Johns river, was read the second time, and ordered for a third reading on to-morrow.

A bill entitled an Act to amend an Act to incorporate the Florida Peninsula and Jacksonville Rail Road Company, was referred to a committee of the whole House—Mr. Dupont, from said committee, reported said bill to the House without amendment, and said bill was read the second time and ordered for a third reading on to-morrow.

A bill entitled an Act concerning limitations of actions, was read the third time and passed—ordered that the title be as aforesaid.

Mr. Brown, on a former day, offered the following Preamble and Resolutions, to wit:

Whereas, the increasing labors of the Judges of the Eastern and Western Districts of Florida, render it impossible that said Judges can attend to the various Counties of said Districts to hold the Courts therein, and to dispense equal justice amongst the good citizens of this Territory; and whereas several of the Counties of said Districts are now deprived of a Superior Court from the utter inability of said Judges to perform the travel and labor which would be imposed on them by the establishment of a Superior Court in each of said Counties,

It is therefore Resolved, That our Delegate in Congress be, and he is hereby requested, to endeavor to obtain by all means in his power, the establishment, in this Territory, of a new Judicial District, to be called the Judicial District of Suwannee, and to be composed of the Counties of Madison, Hamilton, Columbia, Alachua, and Hillsborough.

Be it further Resolved, That that this resolution be signed by the President of this Legislative Council and handed to the Governor of this Territory for his approval, and forthwith forwarded to our Delegate in Congress.

Be it further Resolved, That the Governor of this Territory be, and he is hereby respectfully requested to use his influence to effect the object of these resolutions.

Which were again read and adopted.

A bill entitled an Act, to amend an Act, entitled an Act, to incorporate the Subscribers to the Union Bank of Florida, was read the second time and ordered for a third reading on to-morrow.

A bill entitled an Act, to revive an Act, to provide for the collection of Judgements against free negroes, and other persons therein named, was read the second time and ordered for a third reading on to-morrow.

An engrossed bill entitled an Act to abolish the Territorial Taxes, was amended by inserting in the first Section after the word Treasurer, the words "whose salary shall be seven hundred dollars per year," and said bill was read the third time and passed—ordered that the title be as before stated.

A bill entitled an Act, to reduce into one Act, all Acts, and parts of Acts, concerning County Courts and the jurisdiction of Justices of the Peace within this Territory, was ordered to be postponed until to-morrow.

A bill entitled an Act to incorporate the Pond Creek and Black Water River Canal Company, was read the second and third time, the rule being waived, and passed—ordered that the title be as before stated.

A bill entitled an Act to prescribe the mode of erecting mill dams in certain cases, was read the second time and referred to a Select Committee, Messrs. Love, Macon, and Mooring, were appointed thereon.

The House then adjourned until to-morrow at 11 o'clock.

**Friday, February 13.**

The House met pursuant to adjournment—a quorum being present, the journal of yesterday's proceedings was read.

A bill entitled "an Act in addition to the several Acts regulating the mode of proceeding on Attachments," was read the third time—The yeas and nays being required on its passage by Messrs. Smith and Macon, were yeas Mr. President, Messrs. Blount, Braden, Downing, Du Pont, Fitzpatrick, Higginbotham, Hunter, Mitchell, Priest, Putnam, Smith, Stansbury, and Wood, 14. Nays, Messrs. Bellamy, Brown, Duval, Edwards, Holmes, Love, Macon, McKinnon, McNeill, Mooring, Parish, and Walker, 12. So said bill is passed. Ordered that the title be as above stated.

Mr. Braden moved that the rule be so far rescinded as to permit him to introduce a bill, entitled "an Act, to amend an Act, entitled an Act, for the relief of Benj. G. Thornton"—which motion prevailed, and said bill was introduced, and read the first and second time, (the rule being waived for that purpose) and ordered for a third reading on to-morrow.



Mr. Putnam from the committee on Enrolled Bills, reported as correctly Enrolled, the following Acts:—

“An Act to incorporate the Southern Life Insurance and Trust Company”—an Act in addition to the Acts providing for the Compilation of the Laws of this Territory”—“an Act to abolish the Territorial Taxes”—“an Act concerning limitations of actions”—“an Act to establish two terms of the Superior Court at Eatonton, the County seat of Columbia county”—“an Act to establish a ferry across the Chipola river near Marianna”—“an Act to incorporate the Escambia Manufacturing Company”—“an Act to incorporate the Pensacola and Perdido Rail Road and Canal Company”—Also certain Resolutions for the establishment of a new Judicial district, to be called the Judicial District of Suwannee—which were severally signed by the President.

Mr. Bellamy from the select committee, to whom was referred the petition of James Hall—Reported the Preamble and Resolution following:—

WHEREAS, James Hall, a resident of Duval county, in East Florida, has petitioned the Legislative Council of this Territory, to be permitted to name his estate in the county aforesaid, “La Grange Hall,” in commemoration of General Lafayette, under whom he served in the armies of the United States during the Revolutionary War: Be it therefore

Resolved by the Legislative Council of the Territory of Florida, That James Hall be, and he is hereby permitted to call his estate in Duval county, in East Florida, “La Grange Hall,” and that hereafter, the said estate be known by the name aforesaid.

Which were read—(the rule of the House being waived) put on its passage, and passed.

Mr. Fitzpatrick from the select committee on Printing—Reported the following letter from William Wilson:—

GENTLEMEN—I propose to vary my contract for the Printing of this year in such a manner as to furnish 500 extra copies of the Laws of this Session, to be bound with the compilation to be completed by Mr. Westcott, for one dollar and fifty cents per page. The expense will not exceed two hundred dollars; and the appropriation, it is believed, will be sufficient. The completion of my contract will not be delayed by this arrangement more than one week. Respectfully,

Feb 13, 1835.

WM. WILSON.

Which was read and laid on the table until to-morrow—Also the bond of William Wilson, binding him to perform the Printing of this present Session of the Legislative Council; which was approved, and ordered to be transmitted to the Governor by the Chief Clerk of this House.

Mr. Macon from the select committee, to whom was referred a bill, entitled an Act to prescribe the mode of erecting mill-dams in certain cases—Reported said bill to the House amended; which report was concurred in, and said bill was read the second and third times by the title, and passed. Ordered that the title be “an Act to prescribe the mode of erecting mill-dams near the town of Quincy in the county of Gadsden:

The House went into committee of the whole, on a bill entitled an Act to fix temporarily the Seat of Government, and to

provide for holding the next Session of the Legislative Council of this Territory; after some time spent therein, the committee arose, and Mr. Wood therefrom reported a substitute for said bill, which report was concurred in by the House, and said substituted bill was read the second and third times—(the rule being waived)—The yeas and nays being required on its passage by Messrs. Bellamy and Smith, were yeas Mr. President, Messrs. Blount, Brown, Downing, Fitzpatrick, Higginbotham, Holmes, Hunter, McKinnon, McNeill, Muchell, Mooring, Parish, Priest, Putnam, Smith, and Wood—17. Nays, Messrs. Bellamy, Braden, Dupont, Duval, Love, Macon, and Walker—7. So said bill is passed—ordered that the title be an Act to fix permanently the seat of Government of the Territory of Florida.

A bill entitled an Act for the relief of Joseph F. Wachob, was read the third time and passed—ordered that the title be as before stated.

A bill entitled an Act for the relief of Edward Chandler, was read the third time and passed—ordered that the title be as before stated.

The following bills were, on motion of Mr. Smith, indefinitely postponed, to wit: an Act for the relief of Silas Weeks, jr. and an Act for the relief of John W. Clement.

A bill entitled an Act to incorporate the Union Rail Road Company in the Territory of Florida, was taken up in committee of the whole, Mr. Putnam therefrom, reported said bill amended, which was agreed to by the House and (the rule being waived) said bill was read a second and third times and put on its passage. The yeas and nays being required thereon by Messrs. Fitzpatrick and Wood, were, yeas Mr. President, Messrs. Bellamy, Braden, Brown, Dupont, Duval, Higginbotham, Holmes, Hunter, Love, Macon, McKinnon, McNeill, Mooring, Parish, Priest, and Smith—17. Nays, Messrs. Blount, Fitzpatrick, Mitchell, Putnam, and Wood—5. So said bill is passed—ordered that the title be as before stated.

A bill entitled an Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes, was read a third time and passed—ordered that the title be as before stated.

A bill entitled an Act to establish a ferry on Julington Creek on St. John's river, and also an Act, to amend an Act, entitled an Act, to incorporate the subscribers to the Union Bank of Florida, were laid on the table until to-morrow.

A bill entitled an Act, to amend an Act, to incorporate the Florida Peninsula and Jacksonville Rail Road Company, was read the third time and passed—ordered that the title be as before stated.

A bill entitled an Act, to revive an Act, to provide for the collection of Judgements against free negroes and other persons therein named, was read the third time. The yeas and nays being required on its passage by Messrs. Love and Smith, were, yeas Mr. President, Messrs. Bellamy, Blount, Fitzpatrick, Holmes, Hunter, Macon, McNeill, Mitchell, Putnam, and Wood—11. Nays, Messrs. Braden, Brown, Dupont, Duval, Higginbotham, Love, McKinnon, Mooring, Priest, and Smith, 10. So said bill is passed—ordered that the title be as before stated.



On motion of Mr. Smith, a bill to reduce into one Act, all Acts, and parts of Acts, concerning county courts, and the jurisdiction of justices of the peace within this Territory, was indefinitely postponed.

Mr. Duval presented to this House a bond, executed by J. D. Westcott jr. and others, conditioned for the printing and delivering of a compilation of the laws of the Territory as therein expressed, which was read and ordered to be handed to the Governor by the Chief Clerk of this House.

The House then adjourned until to-morrow at 10 o'clock.

### Saturday, February 14.

The House met pursuant to adjournment—a quorum being present the journal of yesterday's proceedings was read.

Mr. Putnam moved to amend the enrollment of the Act entitled an Act, to amend an Act, to incorporate the Florida Peninsula and Jacksonville rail road company, approved Feb. 15th 1834, by interlining the word "various," in the second line of the 6th section; and also by inserting the words "to be opened" in the 3d line after the 7th section, which motion prevailed, and said interlineations are made.

His Excellency the Governor, transmitted to this House, by his private Secretary, Mr. Wellford, the following communication:

#### EXECUTIVE OFFICE. }

February 14th, 1835. }

#### To the Legislative Council:

I have approved, signed, and filed, with the Secretary, the following Acts, to wit:

An Act to authorise Margaret L. Anderson to sell certain real estate.

An Act conferring additional privileges on the corporation of city of St. Augustine.

An Act for the relief of Edwin R. Alberti and Henry Saddler.

An Act to enable married women to convey their real estate of inheritance.

An Act to prevent trespasses and depredations on lands within the Territory of Florida.

Resolution for an additional member for Duval County.

An Act to revive an Act, entitled an Act, to incorporate the Wascissa and Aucilla navigation company.

An Act in relation to fugitives from justice.

An Act to authorise the Alabama, Florida and Georgia rail road company to continue their rail road from the line between the State of Alabama and the Territory of Florida to the waters of the Pensacola Bay.

An Act to change the northern boundary of the County of Alachua.

An Act to alter the time and manner of holding the County Courts in Monroe County, and for other purposes.

An Act to authorise Mary Johnson and John A. Cuthbert to dispose of certain real estate.

An Act to enable the guardians of infant children and the heirs of John Andreo decd. to convey certain real estate therein mentioned.

An Act requiring county Judges in all cases to forward copies of orders for elections to the Governor.

An Act to divorce Josephine Ganpera Gagnet from her husband Lewis Gagnet.

An Act to divorce Lydia H. Star and Robert Star.

An Act to repeal a certain Act, and part of an Act, therein named.

An Act to alter the place of sale under executions, issuing out of the Superior courts in certain cases.

An Act, to amend an Act, entitled an Act, regulating the pilotage of the Port of St. Marks.

An Act to divorce Martha Redman from her husband Elisha Redman.

An Act to repeal an Act, to provide for the appointment of pilots and regulating the rates of pilotage at Key West, and for other purposes.

An Act for the relief of the inhabitants of Amelia Island.

An Act to authorise John Wamble to establish a ferry across the Ocilla river.

An Act to make securities equally liable in certain cases.

An Act to authorise Abraham Smith to establish a ferry across Bell's river and St. Mary's river.

An Act to amend the several Acts incorporating the town of Apalachicola.

An Act providing for the removal of justices of the peace in certain cases, and for other purposes.

An Act to establish a ferry across the St. John's river.

An Act for the relief of John C. Cleland.

An Act to make permanent the County site of Madison County and for other purposes.

An Act to amend an Act, to provide for the collection of rents, passed 20th Nov. 1828.

An Act to change the time of holding the elections for members of the Legislative Council.

An Act for the relief of grantees and claimants of lands in certain cases.

An Act to divorce John Gamble from his wife Sarah Gamble.

An Act for the relief of the heirs of Mary T. Blocker.

An Act to legitimate and change the name of William W. Hicks to that of Wm. W. Brown.

An Act to revive an Act, to incorporate a company to be called the St. Andrew's and Chipola Canal Company.

Resolution respecting the East Florida Rail Road Company.

An Act for the relief of Elias B. Gould.

An Act to prohibit the circulation of notes of foreign Banks of a less denomination than five dollars.

An Act to amend an Act to incorporate the town of Jacksonville.

An Act to incorporate the Bank of Jacksonville.

An Act to amend an Act, entitled an Act, to establish a tariff of fees.

An Act to incorporate a company to be called the Lake Wimico and St. Joseph's Canal Company.

An Act to amend the several Acts now in force concerning divorces.

An Act to change the name of Mary P. Harker of St. John's County.

An Act to authorise Charles Hall to establish a ferry across the Perdido river.

An Act limiting the time of appointments of Auctioneers, and for other purposes.



An Act to authorise Samuel C. Keyser to establish a ferry across the Escambia river, at or near its junction with Escambia Bay.

An Act to authorise Abraham Millstead to establish a ferry across the Escambia river.

An Act for the relief of Elijah Andrews.

Very respectfully, your obdt. serv't.

JOHN H. EATON.

EXECUTIVE OFFICE.

February 14th, 1834.

*To the Legislative Council:*

The Act, entitled an Act, to incorporate the South Florida Land Company, I return. It is objected to. By its provisions, authority is given to the company to buy and sell real estate &c. For Banking incorporations to hold a greater quantity of real estate than is absolutely necessary to erect buildings to carry on their business, has been held objectionable, because adverse to the true policy of the Government. In the United States the strong desire entertained, is to bind every one in warm affection to the institutions and government of the country: and to this end, as far as practicable, it should be considered advisable to preserve to individuals the right of freehold. But if the policy and principles asserted in this act, become general through our country, these incorporated companies may engross the most valuable lands, and finally establish a system of tenantry, than which nothing is more detrimental to the interest of a free people. So regardful has Congress been in this respect, that lands granted to a corporation carry a limitation as to tenure. The Township of land in this Territory, which was conceded to the Deaf and Dumb Asylum of Kentucky, contained a clause which compelled the trustees to dispose of the same within a limited period of time.

In a new country the assertion of the principle may not be very hazardous; but where principle is concerned, circumstances should not change it.

Again the bill is defective in this, that no restraint is imposed whereby to prevent one or a few persons from engrossing the whole stock.

The 11th section is to me ambiguous and doubtful in its construction.

I object also to the Act, to abolish the Territorial Taxes. It provides that County Courts may reduce the amount of taxes in their respective counties. An essential principle with all governments is that taxes shall be uniform; and that all, under like circumstances, shall equally contribute to the support of government. This result under the present act will not be obtained. In some counties the taxes may not be reduced at all; in others the reduction may be a half, third, or more, at the discretion of the court. Being interested, the rivalry with the courts will be to reduce all assessments, as low as possible; at any rate, it is not presumable that the several counties, acting separately, can fix upon the same assessment, and consequently a uniformity of taxation, always material, will be departed from.

It is objectionable moreover, in this, that all monies received are to be paid for county purposes, which will cut off the revenue of the Territory, and thus leave debts and claims which are outstanding, unprovided for. Furthermore, each county is subjected to the cost of its own criminal prosecutions. Some of them are unable to do this, and hence, being unable to encounter the expenses, such criminals will be turned loose, free of the fear of punishment. The Territory is one community, and its legislation should proceed upon that principle, so that the stronger shall give aid and assistance to the weaker parts. It is all important, too, that a regular system of revenue should always be kept up in a

community. The assessments upon the people being economically imposed, and judiciously expended, succeeds best in rendering them prosperous.

I object to, and return to you, the Act entitled an Act to establish two terms of the Superior court at Eaton in Columbia county, for the reasons assigned upon the return of a similar bill of the county of Madison.

JOHN H. EATON.

Whereupon it is ordered that the said Acts therein named and returned to the Council, be reconsidered, and placed among the orders for to-day.

Mr. President laid before the House a letter from John Baldwin, containing proposals for finding, siting, and half binding the laws, which was read and laid on the table.

His Excellency the Governor transmitted to the House the following Executive messages, by Mr. Wellford, his private Secretary, to wit:

EXECUTIVE OFFICE, February 14th, 1835.

*To the Legislative Council:*

I nominate Jesse Potts, as Notary Public for Franklin county. Very respectfully, your ob't serv't,

JNO. H. EATON.

EXECUTIVE OFFICE, February 14th, 1835.

*To the Legislative Council:*

I nominate the following gentlemen to fill the several offices attached to their names, to wit:—

For WALTON COUNTY—Jno G. McLain, Justice of the Peace.  
For LEON COUNTY—Charles Austin and Jas. S. Linn, Notaries Public—John W. Hale, Justice of the Peace.

Very respectfully, your ob't serv't, JNO. H. EATON.

EXECUTIVE OFFICE, February 14, 1835.

*To the Legislative Council:*

I nominate the following gentlemen as Auctioneers for Leon, (to wit)—Amos Alexander and Francis B. Whiting, of St. Marks. Very respectfully, JNO. H. EATON.

Thereupon the House went into secret session and advised and consented to the nominations therein contained, when the doors were again opened.

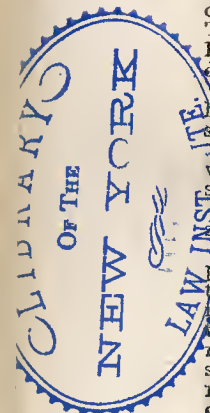
Mr. Fitzpatrick, presented the following resolution:

Resolved, That the Governor of this Territory be, and he is hereby authorised to appropriate from the Tallahassee fund, any money which he may deem necessary for defraying the expenses of locating the permanent seat of Government of this Territory on the Suwannee river, and for any other expenses incident or appertaining to fully carrying into effect the aforesaid object.

Resolved, That the Governor be, and he is hereby requested to make a report to the next Legislative Council, how and in what manner the money arising from the sale of the liberal donation of land made by Congress to this Territory, has been expended.

Which was read, and the rule being waived, put on its passage. The yeas and nays being required by Messrs. Fitzpatrick and Duval, were yeas, Mr. President, Messrs. Bellamy, Blount, Brown, Fitzpatrick, Higginbotham, Holmes, McKimmon, McNeille, Mitchell, Mooring, Parish, Priest, and Wood—14. Nays, Messrs. Braden, Downing, Dupont, Duval, Meach, Putnam, Smith, and Walker—8. So said Resolutions are passed.

Mr. Putnam, from the committee on Enrolled Bills, reported as correctly enrolled, an Act, to amend an Act to incorporate the Florida Peninsula and Jacksonville rail road Company, approved 15th February, 1834—an Act for the relief of Edward Chandler—an Act to revive an Act, to provide for the collection of judgements





against free negroes, and other persons therein named—an Act for the relief of Joseph F. Wachob—an Act, in addition to the several Acts, regulating the mode of proceeding on attachments—an Act to incorporate the Pond Creek and Blackwater river Canal company—an Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes—and an Act to fix permanently the seat of Government of the Territory of Florida, which were signed by the President of the Legislative Council.

Mr. Blount asked and obtained leave, the rule being unanimously waived, to introduce a bill entitled an Act to provide for the compensation of the members and officers of the Council and for other purposes, which was read the first and second times, the rule being waived, and ordered for a third reading on to-day.

Mr. Duval, from the committee appointed to wait on Mr. Edwards, and receive his vote on the final passage of the bill entitled an Act to fix permanently the seat of Government of the Territory of Florida, reported Mr. Edwards as voting in the negative thereon.

His Excellency the Governor, transmitted to this House, by Mr. Wellford, his private Secretary, the following communication:

EXECUTIVE OFFICE, February 14, 1835.

To the Legislative Council:

I have approved, signed, and filed with the Secretary, the following Acts to wit:

Resolution concerning the Florida Rail Road Company.

Resolution concerning the Lake Winnico and St. Joseph's Bay Canal.

An Act concerning limitation of Actions.

An Act to establish a ferry across the Chipola river near Marianna.

An Act to incorporate the Escambia Manufacturing Company.

An Act in the addition to the Acts providing for the Compilation of the Laws of Florida.

An Act to incorporate the Pensacola and Perdido Rail Road and Canal Company.

An Act to incorporate the East Florida Rail Road Company.

An Act to incorporate the Bank of Jacksonville.

An Act to incorporate the Southern Life Insurance and Trust Company.

JNO. H. EATON.

Which was read.

A bill entitled an Act, to amend an Act, to incorporate the subscribers to the Union Bank of Florida, was read the third time and passed—ordered that the title be as before said.

Mr. Holmes moved a reconsideration of the vote passing said Act, the yeas and nays being required on said motion, by Messrs. Holmes and Wood, were yeas, Messrs. Brown, Holmes, Mitchell, Priest, Walker, and Wood—6, nays, Messrs. Bellamy, Blount, Braden, Downing, Dupont, Higginbotham, Macon, McKinnon, McNeill, Mooring, Parish, Putnam, and Smith—13. So said motion is lost.

The House went into the reconsideration of the bills returned by the Governor, when on motion of Mr. Brown, the bill entitled an Act to establish two terms of the Superior court at Eatonton, the county seat of Columbia county, was indefinitely postponed.

The yeas and nays being required on the passage of the bill entitled an Act to incorporate the South Florida Land Company against the objections of the Governor, were yeas, Messrs. Blount, Downing, Fitzpatrick, Higginbotham, Holmes, Mooring, Parish, Priest, Putnam, Smith, and Wood—11. Nays, Messrs. Bellamy, Braden, Brown, Dupont, Duval, Macon, McKinnon, McNeill, Mitchell, and Walker, 10; and the said bill not being passed by the lawful majority, is lost. The yeas and nays being also required

on the passage of the bill entitled an Act to abolish the Territorial Taxes, against the objections of the Governor, were yeas, Messrs. Downing, Dupont, Duval, Holmes, McKinnon, McNeill, Mooring, Parish, Putnam, Smith, and Wood—11, nays, Messrs. Bellamy, Blount, Braden, Brown, Higginbotham, Macon, Mitchell, Priest, and Walker—9, and the said bill not being passed by the lawful majority, is lost.

A bill entitled an Act to provide for the compensation of the members and officers of the Council, and for other purposes, was referred to a committee of the whole, the House went into committee thereon, and after some time spent therein the committee arose, and Mr. Dupont, Chairman from said Committee, reported said bill as amended, which was agreed to by the House, and said bill was read a second and third time, the rule being waived, and passed—ordered that the title be as before stated.

Mr. Blount called up from the table a bill entitled an Act to provide for building a jail in the county of Walton, which on motion of Mr. Downing, was indefinitely postponed.

A bill entitled an Act to establish a ferry on Julington Creek of St. John's river, was read the third time and passed—ordered that the title be as before stated.

Mr. Duval called up from the table, a bill entitled an Act for the relief of Hilory E. Simmons, and others, which was read the third time, and passed. Ordered that the title be as before stated.

Mr. Parish moved that the vote taken on yesterday, on the final passage of the bill, entitled "an Act to fix permanently the Seat of Government of the Territory of Florida," be reconsidered—The yeas and nays being required thereon by Messrs. Macon and Duval, were yeas Messrs. Bellamy, Braden, Downing, Duval, Edwards, Higginbotham, Love, Macon, McNeill, Parish, Priest, and Walker, 12. Nays, Mr. President, Messrs. Blount, Brown, Fitzpatrick, Holmes, McKinnon, Mitchell, Mooring, Putnam, Stansbury, and Wood, 11. So said motion prevailed, and said bill is ordered to be reconsidered, and was taken up from the table—whereupon Mr. Holmes moved to strike out the enacting clause of the bill—The yeas and nays being required on said motion by Messrs. Mooring and Blount, were yeas Messrs. Blount, Edwards, Holmes, McKinnon, Mitchell, Mooring, and Wood, 7. Nays, Messrs. Bellamy, Braden, Downing, Duval, Fitzpatrick, Higginbotham, Love, Macon, McNeill, Parish, Priest, Putnam, and Walker, 14. So said motion is lost. The bill was then amended in the House by striking out of the second section, the words "*Marianna in the County of Jackson*," and inserting in lieu thereof, the words "*City of Tallahassee*."—Said bill was then read the third time and put on its passage—The yeas and nays being required thereon by Messrs. Blount and Holmes, were yeas Messrs. Bellamy, Braden, Brown, Downing, Duval, Fitzpatrick, Higginbotham, Love, Macon, McNeill, Parish, Priest, Putnam, and Walker, 14. Nays, Messrs. Blount, Edwards, Holmes, McKinnon, Mitchell, Mooring, and Wood, 7. So said bill is passed. Ordered that the title be as before stated.

Mr. Fitzpatrick from the committee on Printing, presented the following letter from William Wilson:

To the Legislative Council:—

GENTLEMEN,—I will undertake to furnish twelve hundred and fifty copies of the Laws enacted by the present Legislative Council,



printed in such a manner as to conform to the second volume of the Compilation of the Laws now in course of publication, for the sum of five dollars per page, which will be received as a compensation for the work, and for preparing side notes and an index, in case your honorable body shall see fit to accept this modification of my contract. Respectfully,  
Tallahassee, Feb. 14th, 1835. WM. WILSON.

Which was read—whereupon Mr. Blount offered the following Resolution:—Resolved, That the Governor be requested to contract with William Wilson for the publication of the Laws of the present Session according to the proposition of the said Wilson contained in his letter of this day, and that the contract heretofore made with the said Wilson be rescinded.

Which was read, and the rule being waived, passed.

Mr. Putnam from the committee on Enrolled Bills—Reported as corrected the following Acts:—"an Act for the relief of Hillary E. Simmons, and others,"—"an Act to amend an Act, entitled an Act, to incorporate the subscribers to the Union Bank of Florida,"—"an Act to establish a ferry on Julington creek of St. John's river,"—"an Act to incorporate the Union Rail Road Company in the Territory of Florida,"—"an Act for the compensation of the Members and Officers of the Council, and for other purposes,"—"And a Resolution authorising the appropriation of money to defray the expenses of Commissioners for locating the Seat of Government of the Territory of Florida.

Mr. Blount offered the following Resolution:

Resolved, That the Governor cause the account of Rich'd Hayward, for contingencies for the present Legislative Council, amounting to Forty-Two Dollars and twenty-four cents, to be audited and paid out of the appropriation for defraying the expenses of the Session of the Council for the year 1835.

Mr. President laid before the Legislative Council the following Executive communication:

EXECUTIVE OFFICE, Feb. 14th, 1835.

To the Legislative Council:

I nominate the following persons to be Justices of the Peace for the County of Duval:—John W. Richard, F. Bethune, Ozias Buddinton, Wm. Creighton:—And for the County of Washington—John Brown. JNO. H. EATON.

Which was read, and the nominations therein contained, were advised and consented to by the House.

The House took up from the table the nomination of Th. Brown, Auditor of Florida, and advised and consented to the same.

Mr. Fitzpatrick offered the following Resolution:

WHEREAS, The pay and mileage of the Members of the Legislative Council is insufficient to defray their necessary expenses:

Be it therefore Resolved unanimously by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his exertions to have the same increased to Five Dollars per day and Five Dollars for every twenty miles travel.

Resolved unanimously, That a copy of the foregoing Resolution be forwarded forthwith to the Hon. Jos. M. White.

Which was read, and unanimously adopted.

Mr. Blount offered the following Resolution:

Resolved, That Charles Austin be allowed the sum of Two Hundred Dollars for taking care of the Capitol and the Public Square for the present year; and that the Commissioner of the Tallahassee Fund, pay the same to the said Austin quarterly.

Which was read and adopted.

Mr. President laid before the Council, the following communication from his Excellency the Governor:

EXECUTIVE OFFICE.  
February 14th, 1835.

To the Legislative Council:

I have this day signed and filed with the Secretary of Florida, the following Acts, to wit:

An Act to incorporate the East Florida Rail Road Company.

An Act to incorporate the Bank of Jacksonville.

An Act to prescribe the mode of erecting mill dams near the town of Quincy, in the County of Gadsden.

An Act in addition to the several Acts, regulating the mode of proceedings on attachments.

An Act to amend an Act, entitled an Act, to incorporate the Florida Peninsula and Jacksonville Rail Road Company.

An Act for the relief of Edward Chandler.

An Act to revive an Act, to provide for the collection of judgments against free negroes, and other persons therein named.

An Act for the relief of Joseph F. Wachob.

An Act to incorporate the Pond Creek and Blackwater river Canal Company.

An Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes.

An Act to amend an Act, entitled an Act, to incorporate the subscribers to the Union Bank of Florida.

An Act to provide for the compensation of the member and officers of the Council, and for other purposes.

An Act for the relief of Hillary E. Simmons, and others.

An Act to establish a ferry on Julington Creek of the St. John's river.

An Act to incorporate the Union Rail Road Company in the Territory of Florida.

I have also approved an Act to fix permanently the seat of Government of the Territory of Florida.

JOHN H. EATON.

Which was read.

On motion of Mr. Downing, a select committee was appointed to wait upon the Governor, to inform his Excellency that this House is now ready to adjourn without day, and to know if he has any further communication to make to the House—Messrs. Downing, Blount, and Braden, were appointed on said committee.

Mr. Downing from the committee appointed to wait upon the Governor—Reported that, that duty had been performed by the committee, and that they were informed by his Excellency, he had nothing further to communicate—Whereupon Mr. Fitzpatrick offered the following Resolution:

Resolved unanimously, That the thanks of this Legislative Council are due to the Hon. John Warren, President thereof, for his dignified and impartial conduct during the present Session.

Which was read, and unanimously agreed to.

Mr. President thereupon, made a suitable and appropriate reply:—The House then adjourned *sine die*.

Attest,

JOS. B. LANCASTER, Secretary.



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